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THE

Parliamentary Debates

FROM

THE YEAR

1803

TO THE PRESENT TIME:

FORMING A CONTINUATION OF THE WORK ENTITLED
"THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST
PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF

T. C. HANSARD.

VOL. XIX.

COMPRISING THE PERIOD
FROM
THE TWENTY-SECOND DAY OF FEBRUARY
TO
THE TENTH DAY OF MAY
1811.

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THE

Parliamentary Debates

During the Fifth Session of the Fourth Parliament of the United Kingdom of Great Britain and Ireland, and of the Kingdom of Great Britain the Twenty-first, appointed to meet at Westminster, the First Day of November, 1810, in the Fifty-first Year of the Reign of His Majesty King GEORGE the Third. [*Sess.* 1810/11.

HOUSE OF LORDS.

Friday, February 22, 1811.

CATHOLICS OF IRELAND—MR. WELLESLEY POLE'S CIRCULAR LETTER.] The Marquis of *Lansdowne* rose for the purpose of calling their lordships' attention to the documents, which lay upon the table, and had been produced in consequence of a motion made on a former day by his noble friend (the earl of Moira,) whose absence he regretted upon this occasion. The documents which had been produced as a ground for issuing the Circular Letter to the sheriffs and chief magistrates of the principal towns throughout Ireland,* prohibiting the meetings of the Catholics, were now before them: but could their lordships be satisfied with the explanation of the conduct of the government of Ireland? When his noble friend had brought the subject some days since under their lordships' consideration, and had asked for information respecting the grounds and motives, upon which the government of Ireland had acted, on having recourse to so harsh, so violent, and so intemperate a measure, what was the answer which had then been returned? Why, that the order for putting in force the convention bill in Ireland, did not emanate from the Prince Regent, did not emanate from the British government, but had actually emanated from the Irish government, and that under circumstances which, in the minds of ministers, seemed to afford complete satisfaction, and fully to justify the propriety of the measure which had thus suddenly and unexpectedly been taken. It had even been acknowledged by ministers that they knew nothing of the measure nor of the necessity that led to it, until the accounts had been received from Ireland, of the measure having been actually put in force, and yet after this denial of knowing any thing of the matter, and after justifying the Irish government on the plea of the necessity of the case and the urgency of the occasion, which called for a measure of such harshness, what information had they yet laid before the House in explanation of such conduct, but a letter dated the 1st of January, purporting to be written by Mr. Edward Hay, a person who styled himself Secretary of the Catholic Committee in Dublin?* Upon the appearance of that Letter, which they now conceived to contain cause of such alarm, and matter of such peril, did they immediately adopt any measure to allay that alarm, or prevent that danger? No such thing. It was only on the 12th of February, 43 days subsequent to the writing of that Letter, that any notice seems to have been taken of it. Yet that Letter of Mr. Hay, the secretary of the Irish Catholic Committee, was the only document yet before the House, and the only ground adduced to justify the issuing of the letter addressed by Mr. Pole, Secretary to the Irish government, to the magistrates and sheriffs of the different counties in Ireland. What must their lordships think of such a justification of such a measure, and of the period of time allowed to elapse between the publication of Mr. Hay's Letter and the issuing of Mr. Pole's Circular, to which it was said to have given rise? Were, then, the noble lords opposite, in possession of no better justification of the conduct of the Irish government for putting in force an act of which, whatever might be supposed to be its necessity, when it was first deemed proper and expedient to adopt it, had been allowed to lie dormant for at least 13 years? During that interval, that law appeared to have been violated in many instances, particularly by the meeting of what was called the Orange Lodge, but no alarm seemed to be felt at these instances of its violation, till 43 days after the publication of Mr. Hay's letter, when it was judged expedient to revise and put that odious law in force against the Catholics. The great and leading objection to this act of the Irish government, and which was so ably stated by his noble friend (the earl of Moira) on a former day, was that which applied to the mode and the time in which it was put in execution. The statute had, as he before stated, laid dormant for more than 13 years; meetings of the Roman Catholics had regularly been held; the government had on every occasion been privy to those meetings so held, and inasmuch as they permitted them, the Catholics were naturally led to believe and expect they they received their sanction and acquiescence. Far should it be from him to countenance and support what would be dangerous to the constitution: if any set of men should form themselves into a convention, which had for its object the violation of the law, by giving to themselves a permanent existence, he would be one of the first to set his face against the existence of any such assembly, because their existence would be incompatible with that of the constitution. But where was this spirit to be discovered in the Catholics of Ireland; where was such an intention made manifest? The noble secretary indeed, had said on a former occasion, when he wished the Letter of the Secretary of the Catholics to be annexed to that of the Secretary of State for Ireland, that it would be found that the Catholics meditated an intentional and systematic violation of the laws of their country. He now called upon that noble secretary to furnish any document which could give them that information. The Letter on the table did not contain one paragraph which could lead to such a conclusion; but breathed throughout a spirit of respect and submission to the laws of their country; the observance of which it strongly inculcated in those, to whom it was addressed. No ground, then, was shewn for this severe measure to a whole body of subjects respectable on every account; a measure, which their loyalty and general conduct rendered wholly unnecessary, and which could not be in unison with the known sentiments and feelings of the illustrious person who had taken upon him the arduous task of exercising the royal authority. The calling this dormant statute, therefore, into force after so many meetings of a similar description had been permitted, was peculiarly unbecoming, not only from the time and the manner in which it was done, but from the inconsiderate haste and rashness with which it was attended. Though 43 days had been suffered to elapse without any notice being taken of Mr. Hay's letter, yet the urgency of the occasion and the necessity of the measure became suddenly so great that time was not given to consult with the government of England on its propriety, or even to take the pleasure of the Prince Regent respecting it, who was just then taking upon himself the reins of government. What were the feelings and opinions of his Royal Highness, on this question, there could not be much doubt; nor could his disposition in favour of the Catholics of Ireland be well called in

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* The following is a copy of the said Circular:

CIRCULAR LETTER, written by the command of his grace the Lord Lieutenant to the several Sheriffs and Chief Magistrates of the principal Towns throughout Ireland.

"Sir:—It being reported, that the Roman Catholics in the county of are to be called together, or have been called together, to nominate or appoint persons as representatives, delegates or managers, to act on their behalf as members of an unlawful Assembly, sitting in Dublin, and calling itself "The Catholic Committee," you are required, in pursuance of the provisions of an Act of the 33rd of the king, chap. 29, to cause to be arrested, and to commit to prison (unless bail shall be given), all persons within your jurisdiction, who shall be guilty of giving or having given, or of publishing or having published, or of causing or having caused to be given or published any written or other notice of the election and appointment, in any manner, of such representative, delegate, or manager, as aforesaid: or of attending, voting, or acting, or of having attended, voted, or acted, in any manner, in the choice or appointment of such representative, delegate, or manager. And you are to communicate these directions, as far as lies in your power, forthwith, to the several magistrates of the said county of

"N. B. Sheriffs are to act under the warrant of magistrates, in cases where the crime has been committed.

"By command of his grace, the Lord Lieutenant.——*(Signed)* W. W. POLE."

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* Copy of a printed Letter from Edward Hay, styling himself "Secretary to the General Committee of the Catholics in Ireland, sitting in Dublin," to the Catholics in the different Counties throughout Ireland:—Transmitted by His Grace the Lord Lieutenant, on the 12th February, 1811, and received on the 14th instant.

"Sir;—I am directed by the General Committee of the Catholics of Ireland, to solicit your particular attention on the present occasion.

"The Committee being entrusted with the petition of the Catholic body, feel it incumbent on them to state to you, their conviction of the imperative necessity of an increase of their numbers, so that there may be managers of the petition connected with every part of Ireland. It is highly desirable, that the Committee should become the depository of the collective wisdom of the Catholic body; that it should be able to ascertain, in order to obey, the wishes, and clearly understand the wants, of all their Catholic fellow subjects.

"This is the more requisite at the present moment, when there appears to be so near a prospect of complete emancipation; and the Committee are convinced, that their emancipation can now be retarded, only by criminal apathy or neglect amongst the Catholics themselves.

"They beg leave to suggest to you, the propriety of appointing ten managers of the petition in your county. There are now survivors of the persons who were delegates in the year 1793: these persons are already constituent members of the Committee; and as such, managers of the petition; so that you have to appoint only additional managers.

"The Committee desire to add, that by the law, as it now stands, no species of delegation or representation can be suffered to take place; nor can any person, without a gross violation of the law, be a representative or delegate, or act under any name as a representative or delegate. Engaged, as we are, in a struggle for legal and constitutional rights, it is our duty, as well as our inclination and decided determination, not to violate the spirit, nor even the letter of the law. It is, at the same time, to be observed, that the law to which we allude, does not interfere with the subject's undoubted right to petition parliament; nor of course with the only method by which so large a body as the Catholics of Ireland could concur in forwarding a petition; namely, by leaving the management of it in the hands of a few persons, who deserve and possess their confidence.

"And the Committee cannot refrain, on this occasion, from calling to your recollection the words of that celebrated champion of loyalty and religion, Edmund Burke, relative to the Irish Catholics: 'Your enemies are embodied, what becomes of you if you are only individuals?'

"The Committee does not presume to interfere with the mode in which you shall think fit to nominate those managers of the petition; save that it must not be by any election or appointment to represent any person or persons, or any district or place whatsoever. They moreover beg leave to suggest the propriety of expedition; and request that you will have the goodness to reply to this letter, and to state your sentiments on this subject, adding, if it shall so please you, the names of persons, whom you conceive most fit to manage the petition in your county.

"In appointing those managers, the committee respectfully solicit your particular attention to the many advantages to be derived from naming managers, whose avocations require, or leisure permits their permanent or occasional residence in Dublin, where the ultimate arrangements, as to the petition, can best be made. I have further to observe to you, that all the noble lords who constitute the Catholic peerage, are already managers of the petition. I have the honour to be, your, &c. (Signed)—Edward Hay, Sec."

Dublin, No. 4, Capel Street, Jan. 1, 1811.

question. He should ground nothing, however, on what were the well known or supposed opinions of his Royal Highness. Sure he was that, on all occasions his Royal Highness would feel that the hand of government should be firm and energetic, particularly under all the circumstances of the present moment; but his Royal Highness would also never forget, that firmness did not consist in rashness, intemperance, and violence; and under what other colour could the measure which had been so unadvisedly taken in Ireland be fairly considered? The noble Secretary of State had indeed affirmed, that there was discovered among the Catholics of Ireland a deliberate, systematic intention of violating the law. Had the noble earl adduced any information upon which to ground such a charge, he would be among the first to acknowledge the propriety of the steps that had been taken. But the only information yet before their lordships to warrant the assertions of the noble earl, and justify the conduct of the Irish Government, consisted in the single letter then on their lordships' table. Could such information justify such a measure, especially under all the circumstances of the moment, when it was put in force? He was convinced it could not. He should therefore move for the production of other papers, by which further and more satisfactory light might be thrown upon the business. If the noble earl should rest his objection to his motion, on the impropriety of giving publicity to such information, he would be satisfied with having it referred to a secret committee; but if that proposal did not meet the noble earl's approbation, he should move, "That an humble Address be presented to his royal highness the Prince Regent, praying that he would be graciously pleased to give directions that there be laid before the House copies or extracts of all dispatches addressed to, or received from his excellency the Lord Lieutenant of Ireland, respecting the Circular Letter addressed by Mr. Secretary Pole to the Sheriffs and Magistrates of Ireland."

The Earl of *Liverpool* felt it to be his duty to oppose the present motion, because no sufficient grounds had been laid for agreeing to it; and because the information already on the table was sufficient to answer the object of the motion made by a noble lord the other night. That noble lord's motion was confined to the production of a single document, and the letter of Mr. Hay was produced in consequence of a motion of his own. He felt much difficulty at the present moment in giving farther information: but he had given their lordships a positive record, which proved the deliberate attempt at the violation of law, and was inconsistent with a due regard to the public tranquillity. He had been mistaken when it was supposed to have been said by him, that the body of the Catholics meditated a systematic violation. He meant no such thing against that numerous and respectable body; and he was sure that the measures intended to be prevented, were as much against the sense of the most respectable part of the body of the Catholics, as they were against that of the Protestants, and that they deprecated the adoption of them equally. He believed, in his conscience, that the majority of the Catholic body were loyal and well affected to the connection with England; and that they did not desire to be represented in the way proposed by a few of their number. As to the case of the present committee sitting in Dublin, being also a violation of the law, he would not enter into the question, whether it had been wise or not, to allow that body to continue their sitting as they had hitherto done; but whether this were wise or unwise, he could not be persuaded, that it would have been wise to overlook the attempt to carry such a meeting to the great and undefined extent proposed, and to suffer it to assume, as it necessarily would, an intirely new character. Were his opinions decidedly favourable to the total removal of the remaining disabilities to which the Catholics were subject, he should still entertain his present sentiments on this particular subject. Indeed, there was no greater grievance for the Catholics, than the existence of such a body professing to be the representatives of all the Catholics. There had been no attempt whatever intended or made to prevent the right of petitioning, according to the forms of the constitution: but the very usage of their lordships' House forbad the receiving of petitions except from individuals subscribing for themselves, or from bodies, which had a legal, corporate existence. An instance of this sort had even recently, occurred in the case of a petition professing to come from the Lord Mayor and the Livery of the city of London. The petitions intended to be presented by the Catholics had been already prepared and agreed to, and therefore here was no ground for meeting on that subject. Considerable inconveniencies night accrue from the production of arther papers. He was not aware that any farther information was at all necessary. The letter on the table shewed clearly the intention to violate the laws, and expose to danger the public tranquillity.

Earl *Grosvenor* considered it right to keep clear altogether of the merits of the question on which these proceedings had occurred, and thought the only question before them was, whether the strong steps taken by the Irish government could be justified. It was certainly possible that they might; but there was nothing on their table to prove it, and they could not come to such a conclusion without the advantage of farther and more particular information. Notwithstanding the recent assertions of the friends of ministers, and the statements so often made in some of the public prints, supposed to speak the sentiments of government, that Ireland was in a state of perfect tranquillity, the publication of this strong and irritating letter shewed that Ireland was very far from being in such a situation. After a lapse of 18 years, he should have considered the Convention Act, passed at a disturbed period, as obsolete. At that time, acts of considerable strictness were passed in this country, and which he believed were justified by circumstances: yet they were subsequently done away here, and he should think that the same step should have taken place in Ireland. It was curious to learn that ministers should have no knowledge of the subject, when they must have known that the Letter of Mr. Hay had been written for five weeks. It was curious that Mr. Pole left this country only on the 3d of February, and was not instructed in any respect on this point; but immediately on arriving in Ireland, published this letter without any communication with the government here. He might suppose they thought, that if a communication had been made here, the Prince Regent might have deemed a different course more proper to pursue. He saw no ground in the proposed meeting to excite additional alarm, except as to the addition to the numbers of the meeting. That was not great, compared with the numbers of the Catholics, and was not a sufficient ground, taken alone: It must therefore be coupled with circumstances which were not to be disclosed to them. Whether the Irish Government were right or not in such a measure, they appeared wrong in not making a communication to the government here, previously. The noble Secretary of State could not, he thought, have any objection to give information to a Secret Committee.

Lord *Grenville* could not but offer a few observations on the present occasion. The noble Secretary of State, who had risen to answer the speech of his noble friend, did any thing but answer the more prominent points of that speech; and, indeed, in avoiding to do so, he acted wisely. His noble friend pressed for an explanation of the reasons which induced the Irish government so long to have delayed the putting in force of the Convention Act, if the Letter from the secretary of the Catholic Committee was really the cause of their resorting to a measure so rash and intemperate. He, however, pressed in vain for that explanation. It was therefore natural to conclude, that some other grounds existed in justification of such a measure; and a knowledge of those grounds it was the object of his noble friend's motion to obtain. In expressing his decided disapprobation of this rash and intemperate proceeding, he desired not to be considered as prepared or disposed to vindicate the cause of any description of persons, who meant to act in an illegal manner. On the contrary, he would always do his utmost to ensure obedience to the law: and if it could be shewn that this measure was the only, or the ready and natural mode of prevention of an unlawful meeting, he should agree to it. If the Catholics had any intention of establishing a permanent convention to represent them, he should be sensible of the dangers of such an attempt, and would be the first to resist it. But of this there was no proof: as little was there any proof of any kind effort on the part of the Irish government to admonish them of the dangers of such an attempt, to make allowances for the irritation they must feel, at seeing themselves excluded from an equal participation of the privileges enjoyed by their Protestant fellow subjects; an exclusion which must naturally prove so galling to freemen. Such forbearance and such admonition, would have only been the act of a mild, beneficent, and paternal government: but such a disposition was not to be expected from the noble lords opposite; though they might well suppose it to be the disposition of the illustrious person who was at the moment preparing to assume the direction of government. Such an opportunity was not to be afforded to that illustrious person. So far as he was yet informed, he could see no ground whatever for the extraordinary conduct of the Irish government. The noble Secretary, indeed, contended, that it was to be found in the Letter upon their lordships' table from Mr. Hay, the secretary to the Catholic Committee. But it did not appear in the face of this Letter to whom it was addressed or sent. Whom did the noble earl mean to say it was sent to? To all the Catholics of Ireland? Or to what particular persons? Would he profess ignorance on that head? If ignorant, in what a light did the government stand before their lordships and the country? It was of much importance to know who they were, to whom this letter were sent; for he would admit, that if so large a meeting were assembled by delegation, contrary to law, and for undefined purposes, it would be dangerous to the public peace. There was nothing satisfactory upon this subject, in the Letter. The Catholics seemed to think that they were not violating the laws; and therefore the ministers were bound in justice to lay the grounds before parliament, and the names or descriptions of those to whom the letter was sent. There were other points of yet higher importance. They were to judge of the time, the temper, and the tone of this Letter of the Irish Secretary; and above all of the time. Their recent unfortunate debates on the Regency Question seemed to have put them out of all thoughts of such a thing as a government. Had the lord lieutenant's secretary the power to do this act without consulting the King's commands, or those of the illustrious person who exercised his authority? The Letter could not be defended in any way but on an indispensable urgency, unless the ministers were prepared to maintain that the lord lieutenant's secretary was actually the regent of Ireland. Let their lordships look at the nature of the government of Ireland. There were many of them who must know the practice of that government. There ought to be some of them then opposite to him. Would they have done this without taking the King's commands? Such was the constitution of that subordinate government, that they could do no more without consultation with the government here, than the ministers here could without the authority of the Prince Regent. Such was the ordinary mode of business, and this course was surely particularly necessary to be attended to now. What right had they to suppose that the Prince Regent would approve of the act. They had but one answer to make, and that was, that the matter pressed upon them so suddenly as to leave no time for communication. He had anticipated such an answer: but the fact turned out, that the Irish Catholics Secretary's Letter was dated January the 1st. In order to enable their lordships to judge, let them say how the interval of 43 days had been employed. He would concede much to them, if they could shew that it was employed in temperate remonstrances, such as became a mild and benignant government to the feelings of men smarting under a peculiar situation. A wise government would have used every conciliatory method; and if that had failed, though even then he should have condemned any irritating tone which might have been used by an offended government, yet necessity might have arisen for resorting to decisive steps. At present, how the time was employed, he was utterly ignorant. There was no necessity whatever for this step without the Regent's consent. The great point was, not whether the law should be enforced, but whether the mode was such as was due to the dignity of the Prince Regent, to the peace of Ireland, and the established forms of the government. There was a general idea now entertained, and it was among the worst signs of the times, that there was a disposition to neglect all forms. The constitution could not be preserved but by attention to forms. He was old-fashioned enough to admire our forms. This transaction was against all forms, as the old mode would have been by proclamation of the lord lieutenant in council. As there was yet no information before their lordships of the grounds upon which the conduct of the Irish government could be justified, he should give his most cordial support to the motion of his noble friend.

The Earl of *Ross* thought it probable that the Irish government had resorted to measures of conciliation before issuing the circular Letter. The Letter of Mr. Hay, was, it was true, dated the first of January; but it did not appear that it was circulated on that day; it was probable that it was not circulated for some days afterwards, and then, perhaps, privately, so that some time would elapse before go-ernment would be apprised of it. It hould also be borne in mind, that at the neeting of the Catholic Committee on he 2nd of February, a motion was made o rescind the resolution for circulating his Letter, on which, upon a division, the umbers were, for it 14, and against it 24; ut the votes of those who had been deleated from the counties having been obected to, they were taken from the 24, nd the numbers then were 15 to 14 gainst the motion, which was only lost, herefore, by a majority of one. This eing the case, it might be supposed by overnment, that a measure carried by o small a majority, would not be persisted n, and they might thus be induced to elay till the last moment resorting to ny harsh proceeding. He wished it, owever, to be understood, that he did ot speak upon this subject with any nowledge of the proceedings of governnent, but merely presuming what their onduct might have been. That the conention of delegates was to be assembled or other purposes than those of petitionng, was evident from the paragraph in Ir. Hay's letter, stating the wish that the nanagers from the counties might be hose, whose avocations required, or whose eisure permitted their permanent, or ocasional residence in Dublin. It was, beides, certain that the petition to Parlianent had been finally agreed upon at the neeting of the Catholic Committee on the nd of February, and directed to be transnitted for the purpose of being presented. Ie was of opinion, that the lord lieuenant of Ireland would have deserved to e impeached if he had not used every xertion to put down a convention of deegates thus illegally attempted to be asembled, and by the assembling of which he public peace would have been seiously endangered.

Earl *Grosvenor* admitted that the asembling of a convention of delegates vould have been dangerous to the public eace; and observed, that what he meant o say was, that no danger would have risen merely from the number of Cathoics which it was proposed to assemble.

Lord *Holland* observed, that the noble arl who spoke last but one, had supposed hat measures of conciliation had been esorted to by the Irish government preious to issuing the circular Letter, but vhat they wanted was the proof of that act upon the table. It was impossible o take the statement of the noble earl founded upon suppositions. Let the documents be laid upon the table, to shew what the conduct of the Irish government had been. It was whimsical enough that the noble Secretary of State alleged the Catholic Committee to consist of persons who did not speak the sentiments of the Catholics of Ireland, whilst they were held out by the noble earl who spoke last but one, as the organ of the Catholics, to which government looked as regulating their movements. How were these contradictory statements to be reconciled? Like Sosia in the old play, the Catholic Committee thus buffeted about might say, "if we are not the Committee of the Catholics, be so good as to tell us what we are." It was said by an eminent man, Mr. Burke, that it was impossible to draw an indictment against a whole nation, but the Irish government seemed disposed to throw a whole, or three-fourths of a nation into gaol. A noble and learned lord on a former night had said, that the Convention Act was merely a declaratory act. He was afraid it was so, but if it was, he wished to be informed, whether it declared, what was previously the common law of Ireland, and if so, how it happened that there was such a difference between the common law of Ireland and the common law of England, where such an enactment was no part of that law.

The Earl of *Donoughmore* felt himself called on to defend the principles upon which the Catholic Committee had acted upon this occasion so frequently alluded to; and was prepared to contend, that upon any fair and candid view, as well as from what was incontrovertibly apparent on the face of the proceedings, no such conclusions as those drawn by noble lords opposite, particularly by the noble earl who spoke recently, could be deduced from them. The object of the Catholic Committee in assembling the meeting of so many of their brethren, appeared to be no other than to give greater weight and effect to the petitions, which they had to present to both Houses of Parliament. For this purpose they proposed to collect the sense of each county in Ireland upon the petitions, without which they could not be said to express the real sense of the country; and the petitions were consequently kept for the signatures of the most respectable individuals of the Catholic persuasion, if they should approve of their being presented this session. It was under this impression, and with this view, that Mr. O'Connel, who might be considered as one of the principal organs of the Catholic Committee, recommended the adoption of the measure which had excited so violent a proceeding on the part of the Irish government. It was that gentleman's wish that the petition of the Catholics of Ireland should not merely be suffered to lie on the table, like the petition of the English Catholics; and Mr. Hay addressed the circular Letter which had been so much spoken of, not with an intention the most remote of violating the Convention Act, but in order to sanction for the Petition by the authority which it would derive from the signatures of the representatives of the different counties in Ireland, and thus solemnly to authenticate it to the imperial parliament; or to ascertain, on the contrary, through the same organ, whether the petition should proceed or not. The noble secretary of state had mis-stated the general feeling of the Catholic body on the subject of the petition, and the grounds on which they proceeded. But this was no common question, and the manifesto of Mr. Secretary Pole was no common paper. He would ask their lordships what was the object of this extraordinary instrument? Was it intended to prevent the Catholic body from stating their grievances intumultuously? What were they to do? What did their lordships wish them to do? Would they prevent a temperate petition, in order to substitute an open rebellion? The Catholics of Ireland had humbly stated what it was lawful for them to state. They were debarred from any other legal mode of redress, and they resorted to that which alone was open to them. They knew that every great privilege was taken from them: they had their eyes fixed with watchful attention on the Convention Act: they had exerted the utmost precaution that their petition should be decorously and properly drawn up: it was their object not to contravene the letter or the spirit of the law. It had been said to them, in a warning voice, "Guard yourselves against the common enemies of his Majesty's Catholic subjects; we suppose that the right of petitioning is not taken from you; exercise it therefore, but exercise it with caution, for the eyes of government are upon you." Such was the spirit in which the Catholics of Ireland had acted; and he appealed to the sense of the House whether they had not acted in conformity with the letter of the law and the spirit of the constitution. If their lordships looked back to the origin of this Convention Act, they would see that it ought to be considered as inapplicable to the case in which it was now resorted to; for the Catholics of Ireland had petitioned Parliament previous to its enactment: their rights were recognized: their petition was recommended by the government of Ireland, and a remedial statute was passed in compliance with the prayer of that petition; thus sanctioning the mode of obtaining redress, against which this Convention Act was now directed. Would not the recent proceeding, then, afford the Catholics of Ireland room to say they were a marked and proscribed people? that they were the watch-word of a "No Popery" administration? This line of conduct and language with respect to them, was very different from the nature and character of the proceedings which formerly took place, even in the parliament of Ireland, in their favour, when their case was duly noticed in a speech from the throne, and high remedial statutes passed in their behalf. He deprecated, therefore, most strongly, the line of policy which his Majesty's ministers adopted, with respect to no fewer than four millions of the subjects of their common sovereign, in whose ear, he was afraid, much misrepresentation, with respect to them had been poured. The statutes of which they laboured to procure a repeal, were a disgrace to the statute book; and to prevent their endeavours to obtain this laudable end the paper in question was calculated. It was expressly intended to prevent his Majesty's Catholic subjects of Ireland from doing that to which all the King's subjects in common had a legal and constitutional right, namely, to petition for a redress of their grievances. In whatever view he considered this act, he could only look upon it as a statute equally oppressive and disgraceful—as a sacrifice made by parliament to the inclination and the prejudices of a few private individuals—which stigmatized that assembly as an unlawful one at one period, which had obtained at another the distinct and unqualified sanction of government. It was a statute which held out to an Orange Party, set on by government, an invitation to arrest and imprison his Majesty's Catholic subjects, and converted into willing assistants one part of the people for the purpose of subjugating the other. Nothing could be more injudicious than the enforcement of this act, for the purpose of preventing any discussion on the petition, when the government knew not what the result of the discussion might be. But the strong hand of authority had been ineffectually placed upon it as an extinguisher. He observed that his Majesty's ministers were inclined to smile at his statements, and to treat them with derision and contempt; but he would tell them that he would be heard, when he pleaded in that House the cause of Ireland and of his Majesty's catholic subjects. He did not often obtrude himself on their attention; but when he did address himself to them on a subject of the most vital importance, he saw with indignation the disposition which was manifested to treat it with insulting derision or culpable indifference!—(Hear, hear.) He would again repeat his assertion, that this act (this "religious act" he might term it) was one which would call upon all the Catholics in Ireland not to do any unlawful acts, but to vindicate their characters, and to express their opinions upon the points in question. It had been stated by a noble earl opposite, that the Letter of Mr. Hay, though dated on the 1st of January, had been mysteriously circulated, and was not known to government for some time, but was acted on as soon as known; but this was a point on which he was prepared to meet that noble earl; for he happened to have an extensive correspondence in Ireland; and he had received a letter, dated the 12th of January, which contained a paragraph, specifying the measure which had been adopted by the Catholic Committee, and inclosing printed copies of the proceedings of that Committee, together with the circular of Mr. Hay to the different counties of Ireland; and this was the secret document with which his Majesty's ministers, and the Irish government, were unacquainted until the 12th of February! He would let them still farther into the secret, and inform them, that he had been consulted by the Catholic Committee; and that he had represented to them that they had secret enemies, and that, in short, the whole government, on both sides of the water, were adverse to their cause. He had told them not to give themselves the trouble of obtaining signatures in the different counties; for it would not alter the nature of their case, nor give additional strength to their claims, which were already known and recognized. He had told them that all the forms of justice would advocate their cause, which was acknowledged by all but those whose political tenets were to wage eternal enmity with the Catholics.—The noble lord concluded by supporting the motion.

The question was then put, and negatived without a division.

HOUSE OF COMMONS.

Friday, February 22.

CATHOLICS OF IRELAND.—MR. WELLESLEY POLE'S CIRCULAR LETTER.] The Hon. *J. W. Ward* said he rose, pursuant to notice, to move for such papers as might have a tendency to throw light on a late measure adopted in Ireland. Had he understood that the production of these papers would be conceded, he should have felt it his duty to abstain from in anywise entering upon the question; but as this was not the case, he conceived it necessary to say a few words, to induce the House to accede to his motion. The House were aware that an act had been performed by the Irish government, calculated to excite in Ireland great anxiety and irritation; an act which nothing but absolute necessity could, in his opinion, justify. It was therefore incumbent on his Majesty's ministers, if they wished to preserve the confidence of the country, to shew the existence of that necessity. He certainly was not himself much inclined to repose confidence in the administration of the right hon. gentleman opposite, and more especially as that administration regarded Ireland; because he conceived that right hon. gentleman in that respect, to have proceeded on principles of the most mischievous tendency to both countries. But when it was found that his Majesty's servants rummaged the darkest pages of the statute book, in order to inflict pains and penalties on persons who, however erroneous they might be in any particular act, were generally and substantially as meritorious subjects as any in the King's dominions, it became necessary for parliament to interfere, and not to allow the security of a whole people to be endangered, without calling on those to whom the putting it to hazard was imputable for a full explanation of the motives by which they had been influenced. It was as true as it was extraordinary, that the steps lately taken by the Irish government had been preceded by no official statement, either on the part of that or of the British government, of existing disturbances in Ireland; on the contrary, the last notice that was taken of the state of Ireland by the right hon. gent. opposite, in that House, was a boast of its tranquillity.—With respect to the paper which had been laid before the House, he meant the Circular Letter of the secretary of the Catholic Committee, it contained no justification of the conduct of government; it merely ascertained the fact of the existence in Ireland for a considerable time of a Catholic delegation. Now, he apprehended, that the mere fact of the existence of such a delegation, did not justify government in the execution of a law such as that which had been enforced. It was to him evident, that the legitimate object which the Catholics of Ireland had in contemplation, could be accomplished with much greater safety through the medium of a delegation than by a reference to the whole body of Catholics in that country. But admitting the supposition, to the truth of which he could not by any means assent, that the delegation was of an illegal nature, and had improper objects in view, the House ought to be informed whether his Majesty's government had tried mild measures before they resorted to those of severity. It was necessary that the House should know whether any communication had been made to the individuals presumed to have offended against the law, previous to the adoption of a step by which, if it were followed up, a very large number of person, indeed would be deprived of their personal liberty.

On the face of the paper which had been laid on the table of the House, there was nothing of an alarming nature; on the contrary, it appeared to have been drawn up with a studious attention to mildness of expression, to decorous and respectful language, and with every necessary precaution to guard against any possible violation of the law. The authors of it seemed to have been anxious to do only what was necessary to prosecute, in a legal way, the objects of their petition. They expressly say, "that no person, without a gross violation of the law, can be a representative or delegate: engaged as we are in a struggle for our legal and constitutional rights, it is our duty, as well as our inclination and decided determination not to violate the spirit, nor even the letter of the law." It was possible, however, that all these professions might be hollow and deceitful; but of that, no trace appeared on the proceedings of the Committee. The House was in a state of profound ignorance on the subject, as nothing had been produced to justify the strong measure that had been had recourse to. His Majesty's ministers might, indeed, possess information of a different nature. They might know that this declaration was nothing more than a pretext; and that under this seeming regard for the laws, measures of a dangerous tendency were in contemplation. But the House had no information of any such designs, and remained in profound ignorance on the subject. From this measure, however, it appeared that Ireland was in a most perilous state; but it was impossible for a moment to conceive that the cause of this measure did not lie deeper than the Letter of the Secretary to the Catholic Committee; for this Letter was dated as far back as the 1st of January, and the Circular Letter of the Secretary to the Lord Lieutenant was dated the 12th of this month; so that it appeared there were six entire weeks between the two acts. It was hardly possible to conceive that this Letter of the Secretary to the Catholic Committee could be the ground for the proceeding of the Irish government, when it was considered, that so little stress did that government seem to lay on that Letter, that the lord lieutenant did not think it worth his while to transmit a copy of it to his Majesty's ministers. It had even excited no feeling in the government here, for his Majesty's ministers made no mention whatever of it in the late speech from the throne. There was not one syllable in the Speech which had the smallest relation to it, although this paper had been in existence for six weeks. His Majesty's ministers, under such circumstances, ought to be able to make out a good case: they ought to be able to shew what powerful motive could induce them to remain quiet for six weeks, and then, all at once, to break out into the precipitate adoption of this harsh and unaccountable measure. —But he wished to call the attention of the House to a particular circumstance:—He had to ask, at what time particularly, this Letter of the Irish Secretary came forth? This paper was issued at a time when the accounts of the Installation of the Prince Regent had barely arrived in Ireland. This was a most unlucky coincidence; for the Prince was, deservedly, in the highest degree popular in that country, and was considered, on all hands, to be strongly attached to the interests of his Irish subjects. For this measure, however, there was not the smallest ground to suppose that ministers had the countenance of his Royal Highness.

Whether ministers were right or wrong in the adoption of this severe measure, in the present state of his information upon that subject, he should be very sorry to take upon him to decide; but it was necessary that the House should have means to enable them amply to discuss and to decide upon the subject. If it should turn out that the measure was necessary and justifiable, it might have the effect of turning the minds of the government to relax the system which they had been pursuing in Ireland. It was now four years since the right hon. gent. was called to the administration of these kingdoms; and what was the result of his administration in Ireland? The state of Ireland was every year growing worse and worse under his management; it was every year becoming more and more a part not of our strength, but of our weakness. He would ask, whether ministers expected to be able to continue this system? Whether they expected to be able, by their Convention bills and similar measures, to govern that country? He should be sorry if any thing he might say could have the least tendency to excite a spirit of discontent among the natives of Ireland. He was fully aware of the embarrassing situation in which he stood. On the one hand, it was possible he might be supposed to wish to excite anxiety and alarm in that country; and on the other, by maintaining a silence on the subject, it might appear as if he seemed to acquiesce in the justice and propriety of the Irish system of government. The administration of the country seemed now to be placed in the painful alternative of being obliged either to concede something to the demands of the people of Ireland, or to put down the population of that country by the exercise of power. While he said this, however, it was not his object to enter into any discussion at present on the subject; for neither he nor the House were possessed of information to enable them with propriety to enter upon the subject. His object was not a wish to embarrass administration; and had he conceived that any thing this night spoken by him, could have the least tendency to effect such an embarrassment, it would have been buried in oblivion. He thought, however, it was becoming in the House to show an anxiety for the fate of Ireland,—a greater anxiety than they had hitherto shewn; but while he blamed the spirit of intolerance that had been adopted in regard to Ireland, he did not forget that the Catholics themselves were, by their conduct, not altogether free from blame. It was his most earnest wish that the Catholics should abstain from all measures of a violent tendency; for they might rest assured, that such measures, however much others might suffer from them, would return back on themselves in a tenfold degree. While he recommended, therefore, tolerance to the administration, he could not help recommending forbearance to the Catholics. The hon. gent. concluded with moving, "That an humble Address be presented to his royal highness the Prince Regent, praying that there may be laid before the House copies or extracts of such dispatches from the Lord Lieutenant of Ireland to the Secretary of State for the home department, as related to the Circular Letter of the right hon. W. W. Pole, Chief Secretary of Ireland, to the chief magistrates and sheriffs of counties in that country."—Upon this motion being proposed from the chair,

Mr. *Yorke* rose and observed, that though he could not concur in the whole, he was inclined to agree entirely with the concluding passage of the hon. gent.'s speech, in which he exhorted the House to an anxious consideration of the state of Ireland, and that the utmost degree of toleration and relaxation that could possibly be adopted should be conceded. There was no man in that House that could agree more cordially than he did in that sentiment, but he could not agree with the hon. gent. in that part of his speech where he charged the government of the country with adopting a system of intolerance towards Ireland. He must always deny the proposition, that because the House had not been inclined to agree to Catholic emancipation, they were therefore to call the system intolerant. So far from the system of his Majesty's government towards Ireland having been intolerant, he could venture to say, that the system pursued ever since his Majesty had ascended the throne, had been in the highest degree ameliorating and tolerant. They had, however, to lament, that there were great numbers of persons in Ireland, who appeared not to be satisfied until that point was conceded to them, denominated Catholic emancipation; but until he could admit that that point should be granted them, he never could agree that the system had been intolerant. The hon. gent. had himself admitted that this was not the time for the consideration of the Catholic question, or for entering into the discussion of that subject; but it were to be wished that the hon. gent. had confined himself to moving for the papers which he might conceive defective, and had avoided all discussion of topics connected with them. Before he proceeded to advert to these topics, he would state to the House the facts which had come to the knowledge of his Majesty's ministers. All that they knew was, that in consequence of a paper issued by a Mr. Hay, who called himself Secretary to the Catholic Committee; it was thought advisable to issue the circular letter now before the House. This paper carried on the face of it a violation of the existing laws of Ireland. This was not the time to discuss the merits of these laws; it was sufficient to declare what was the law. The Convention Act was declared to be expressly enacted for the purpose of preventing the assembly of delegates for any unlawful assembly, and offenders against the Act were declared guilty of a high misdemeanour. He would ask any person who read the paper now under discussion, whether it was not a decided offence against this Act, and whether the sitting of any such assembly, as the body of delegates from the Irish Catholics, was not to be held an assembly against the Convention Act? The hon. gent. had said that there was upon the face of it, an evident intention in drawing up this paper of wishing to avoid offending against the law. He admitted that such intention was professed in certain passages of the paper; but such passages did not at all alter the nature of that paper; for how was it possible that men were to be sent as desired to join the Catholic Committee, without being appointed by an act of the body of Catholics? It might be contended, therefore, that the person who wrote that paper must have intended a violation of the laws, and that he was aware that he was acting in violation of the laws; and therefore, without inquiring further, the government of Ireland were *prima facie* and justifiably in the exercise of their duty, when they resorted to the measure under discussion. It might be true, that that measure was not expedient, and it was upon the expediency of the measure that the conduct of the government must be justified. Looking therefore at the letter of Mr. Hay, he maintained that the government of Ireland could not have acted otherwise than it did, without allowing persons openly to violate the established law of the country. But ministers were not in possession of all the information necessary to enable the House to judge of this measure in all its points; and therefore, if all the papers moved for were granted on the present occasion, they would not answer the purpose of the hon. gent. He was therefore averse to the motion, because these papers were insufficient, and because it would be necessary to wait for still further papers, before the House could come properly to a discussion of the subject. Upon that ground he should give his negative to the motion.—The hon. gent. had thought fit to criticise the government of Ireland, because the letter of the secretary to the Catholic Committee was dated the 1st of January, and the circular letter of the secretary to the lord lieutenant was dated on the 12th of February; so that no notice appeared to have been taken of the former paper for six weeks. But, according to the information which he possessed, the government of Ireland knew nothing of that paper till within a short period of the issuing the proclamation. Although the letter of the Catholic secretary bore date the 1st of January, he believed it was not circulated till a much later period, and therefore the observations on the conduct of the Irish government did not seem to be entitled to much consideration.—The hon. gent. had also mentioned, what he conceived an unfortunate coincidence in the appearance of the letter of the Irish secretary, at a time when the news of the Regent's appointment had newly come to Ireland; and he took from thence an occasion of paying a well-deserved compliment, as he believed, to his Royal Highness. Every man who wished well to the interests of the United Kingdom, ought to feel warmly for the interests of Ireland; and the illustrious person at the head of the government must be supposed to feel for those interests more warmly than other individuals could be supposed to feel. The introduction, however, of every circumstance of this nature, must not only be considered peculiarly unfortunate at this time, but at all times. It was also to be deplored, that gentlemen, who, he believed, had the glory and prosperity of their country sincerely at heart, should so often indulge in a tone and temper calcuated to produce the greatest mischief that could possibly happen to Ireland. He did not, however, mean to say, that the hon. gent. who preceded him, was to be included in the description of gentlemen to whom this charge applied.

Mr. *Grattan* rose and said, that he could not suffer this question to be decided without briefly delivering his sentiments upon it. The tranquillity and interests of Ireland were so intimately connected with the subject in discussion, that he could not reconcile it to himself to give a silent vote on this occasion. It appeared to him most clear that all questions connected with the state or interests of Ireland, were most materially important to Great Britain. The interests of the two countries were reciprocal. Great Britain could not exist without Ireland; nor could Ireland exist without Great Britain. Fully convinced of this truth, he always felt disposed to discuss subjects of the present nature with that temper which had been recommended by the right hon. gent. On this principle it was, he stated, that in his opinion, the parliament of this country was called upon particularly to watch over the interests of the Irish Catholic; because, having no representative in that House, he was a kind of minor, over whom that House was an honourable guardian. It appeared to him to be peculiarly necessary, that in every measure of the government, the utmost tenderness should be manifested towards the Irish Catholic, and that this idea should be constantly present in the minds of government—namely, that the Irish Catholic should be maintained in the possession of all the rights which the law had left him. If the legislature (contrary to the opinion which it was well known he entertained on the subject) determined not to give the Catholic the whole of his demands, at least it should be the care of the government not to perplex, diminish, or degrade the liberties and rights which he had obtained. He contended that it was a fundamental principle of British and imperial policy, that the communication between the Catholics of Ireland and the parliament should be free and unembarrassed. It was therefore that he condemned a measure which tended to obstruct that communication, by recurring to an act generated in spleen, and which, if not repealed, should at least be resorted to as rarely as possible. If that act were at all to be recurred to in the present times, it ought to be so construed, as to leave the utmost facility of communication between the great body of Irish Catholics and parliament. If rigidly and bitterly construed, it would cut off all communication of that nature between the parliament and the people. This was particularly the case with regard to Ireland since the Union; for many channels of communication, which were then open between the people of that country and the legislature, were now almost shut up. It was the more incumbent therefore upon that House to take care that parliament should not be deprived of the means of ascertaining the sentiments, not merely of a small portion, but of the whole body of the Catholics in Ireland, and of allowing, for that purpose, the right of petitioning in the fullest and freest manner. For, what had occurred on former occasions? When he presented a former petition from the Irish Catholics, it had been said, that the petition might contain the sentiments of the comparatively few individuals by whom it was signed, but that the great body of Irish Catholics were indifferent to the subject. This shewed the necessity of collecting the opinions of that great body; and how were those opinions to be collected, but by some such proceeding as that which the Convention Act had been resorted to in order to prevent?

Having said this much with regard to the state of the Catholics of Ireland, and the nature of the Convention Act, he would ask if the letters produced established any necessity for having recourse to those measures, which, unless under very imperious circumstances, it was the duty of the government never to adopt. The papers produced by ministers would go but a certain length. As far as they did go, they certainly did not make out their case. But as they had refused production of all further papers calculated to throw a light on the subject, it became the duty of the House to decide, whether the papers upon the table did not contain all the information which ministers could produce in favour of the Irish government, and whether they did not fall very far short of any justification of the recent conduct of that government. With respect to the Circular Letter of Mr. Secretary Pole, as it struck him, it had two aspects, a prospective and a retrospective aspect. A national permanent convention in Ireland, ought certainly to be prevented, but it was wrong to lose sight of the distinction between such an assembly and the Catholic Committee, yet supposing the danger to have been great, then a question arose as to the best and most expedient method of guarding against it. He would not be one of those who would recommend a rigorous execution of a rigorous law, for the purpose of allaying the discontent, or appeasing the exasperated temper of a people who complained of injuries. He should be inclined rather to soften the severity of the law, to take away as much of its sting as possible, certainly not to sharpen its edge, against an aggrieved and complaining body. He would not, in endeavouring to prevent any unlawful or tumultuous meeting, have ushered in his measure by a direct and positive charge, against that meeting, of entertaining improper or mischievous designs. He would not have stated in his preamble, 'Whereas a conspiracy exists,' but have preferred the less offensive terms of 'Whereas, a report of such and such proceedings has gone abroad,' &c. There was this difference between the two modes of conduct, that the first bore an adverse and hostile character towards his Majesty's subjects, the other indicated a friendly and parental temper. Doubtless, there may be among the Catholics some misguided men, and some who might conceal unjustifiable views. But was this a sufficient apology for the use of irritating language to the whole body? The words 'unlawful assembly,' applied to the Catholic meeting, in the letter of the Irish secretary, appeared to him to be most injudicious, even if strictly applicable. What necessity was there for this assuming phraseology, so remote from the style of conciliation, so unmarked by that superior good manners which ought to distinguish a great and magnanimous government. It could not be forgotten that the assembly thus stigmatised had continued to meet, unchecked, and unreproved, since the year 1807: that since 1809, they had made various communications to both Houses of Parliament. If, therefore, the principle on which they assembled was wrong, it must have been wrong from the beginning, and the legislature had acted wrong in receiving petitions resolved on and prepared by that assembly. The Catholic Committee consisted of the delegates of 1806, and of those appointed at the general meeting of 1793. Parliament had never refused to entertain the petitions of this body, against whom the full force of a penal statute was now revived, as against a lawless and dangerous convention. This, then, was a striking instance of the lawless and precipitate nature of that act of the government of Ireland, which was, in fact, as inconsistent as unwise. Lord Fingal had sat in the chair of this Catholic Committee since the year 1809. Did ministers intend to act up to the menacing tone which they had, unfortunately for Ireland and the empire, assumed? Did they intend to attack lord Fingal in the plenitude of the esteem and respectability in which he was held, for having presided at an unlawful assembly? Did they mean to attack some of the best subjects of his Majesty, who had so often lent their efforts against the natural enemies of the country?

It was impossible to entertain any rational jealousy of such a man as Mr. M'Donald, who proposed the leading resolutions at the meeting of 1809. A man who he sincerely believed, was possessed of every quality that could conciliate and secure attachment and respect. In his judgment, such popular meetings so conducted, were not the cause of just alarm. It was well that opportunities should exist for the mind of the people to evaporate. The aspirations of active genius, should not be subjected to eternal controul, nor the high mettle of the Irish youth condemned to waste itself in indolence and tavern enjoyments.—Much did he see of public spirit in the Catholics of Ireland, much indeed, of vehemence, but of a vehemence that threatened no evil consequences. The fire should be kept in its proper orb, and it would emit a salutary light and heat without bursting into conflagration. Certainly nothing had been stated to justify the retrospective operation of the Convention Act, and if ministers were determined to persevere in their impolitic system, he held it to be the duty of the House to interpose in favour of the people, and assert the right of the Irish subject to complain of grievances. It remained for ministers to shew, that to destroy the Catholic Committee was necessary, to prevent a national convention in that country. It was the undoubted privilege of the subject to be sometimes clamorous and violent in the maintenance of his rights; he would not say it was his right to be foolish also, but he was sure, that to suppress any mischief that could be apprehended on that score, the worst plan was that of a harsh exercise of the power and authority of government. Ocasional ebullitions of warm feelings did not call for its chastising arm, they were the symptoms of a free spirit, the calentures, if he might use the word, of a lofty mind, harmless when gently treated. (hear! hear!) He believed, however, that Mr. Pole's letter might admit of something like a hypothetical form as to the existence of a tumultuous disposition, and he trusted, therefore, that ministers would instantly adopt and sanction the construction.—You have disqualified, said Mr. Grattan, a great portion of your fellow subjects, who pay your taxes, and who fight your battles, from filling the high offices of the state. You have degraded your equals. It is to no purpose that you suppress the Catholic Committee: the spirit by which that Committee is actuated will break out in some shape less temperate and forbearing. Until you remove those disqualifications by which you have, in Ireland, sunk a part of the community below the level of general society, nature will assert, and will endeavour to recover, her rights. The Irish Catholic will never be satisfied while he is less than yourselves. That any attempt has been made to keep him so, is the greatest error of modern British governments. To the Irish Catholic I strenuously recommend temper and forbearance. The time will come, it must come, when you will have him sitting with you and voting with you—as he is now fighting for you, and ready to die for you!

Mr. *Parnell* said, that as there was a prospect of some further information on the subject being laid before the House, he would abstain from giving any opinion upon the conduct of the Irish government. He rose for the purpose of stating such circumstances connected with the history of the Convention Act as would enable it to judge how far it was an act applicable to the late proceedings of the Catholics. But he wished to make some previous observations on what had fallen from the right hon. gent. opposite, who had said that the Catholics enjoyed a complete toleration of their religion. He could not hear such an assertion without denying the truth of it in the most unqualified manner, for even with regard to the free exercise of their religion, the right hon. gent. ought to recollect, that there existed penal statutes which disabled the Catholics from doing those things which they might and certainly would do if those statutes were repealed. As to their civil rights, excluded as they were from the most important privileges of the constitution, merely because they professed the Catholic religion, it was impossible to maintain that they enjoyed a free toleration of their religion, if the word toleration had that meaning which the writers of the best authority had always given to it. The right hon. gent. had said, that emancipation cannot be granted to the Catholics. This was a position absolutely inconsistent with the first principles of the constitution, for if he understood what the principles were which placed the family of his Majesty on the throne of these countries, there could exist no constitutional obstruction in the way of making any law that the common consent of parliament and the people should require to be made. In respect to this Convention Act, Mr. Parnell said he would read to the House some extracts from a report of a Committee of the Irish House of Lords, on which report this act was founded. This Committee was appointed in 1793 to enquire into the disturbances which then prevailed in Ireland.—Here Mr. Parnell read extracts shewing, that a conspiracy had been formed in the north of Ireland for the purpose of subverting the government, and effecting a separation from England. That arms and ammunition had been imported in considerable quantities; that a correspondence had been begun with the Jacobin club at Paris, and that those who conducted it intended to hold a National Convention in the course of the following summer.—In order more fully to shew the object of the Convention Act, he then read the following passage from the speech of the Attorney-General, in the Irish House of Commons—"He denied that the Bill had any retrospect, particularly to the Catholic Convention; it originated merely from a professed design to call a Convention to represent and overturn the parliament. He alluded to the Society of United Irishmen. He mentioned the late meeting at Dungannon as a consequence of the irritations of this society, and preparatory only to a general meeting at Athlone." It was evident, therefore, that the Convention Act had no other object but to meet the case of a conspiracy to subvert the government. But what is the case of the Catholics against whom this act is now made to operate. It appears that in 1804, the year in which they first determined to petition parliament after the passing of the union, they appointed a Committee to manage their petition. That in 1806, when they again determined on petitioning, they again appointed a Committee. That in May, 1809, they appointed that Committee, which is now called by the Irish government an unlawful assembly. By the resolution of this date, it appears that the whole of the Catholic peerage was to be of this Committee; also the surviving delegates of 1793, and certain persons that were selected in 1807, to address the duke of Bedford when leaving his government. It was necessary that the House should know who the delegates of 1793 were. These were certain persons who were appointed by a body, regularly and openly elected to represent the whole Catholic community in Dublin, to present an address to the King, complaining of their grievances, and praying redress. Did his Majesty, or Mr. Pitt, who was then prime minister, consider this Catholic convention, from whence the Address came, as an unlawful assembly? No. The prayer of it was granted, and lord Westmoreland, then lord lieutenant, was directed to make that speech from the throne, which led to the act of 1793, making to the Catholics many valuable concessions. In November last a general meeting of the Catholics was held, at which it was decided, to present a petition during the present session. This Catholic Committee was again called upon to manage the petition. They had made considerable progress in the discharge of their trust, when the state of the King's health, and the measures consequent upon it, having established a general expectation of a change in the administration, the Committee conceived it was proper for them to refer for advice, under the new circumstances of their case, to the body at large, and they ordered the Letter of Mr. Hay to be written. This then being the state of the case of the Catholics, could the right hon. gentleman opposite maintain that there was any thing in it which was analogous to the case of the United Irishmen in 1793? Could they say that the Catholics were embarked in any conspiracy against the state? Were they even concerned in the disturbances that now prevailed in Ireland? Even this the right hon. gentleman could not sustain—for it appeared by the trials before the special commission, and by the speech of the solicitor general of Ireland, that these disturbances were confined to the lowest order of the people, acting without leaders or organization. It was not sufficient to justify the conduct of the Irish government, merely to shew, that the letter o the law was with them. The spirit and the object of it ought to be taken into consideration. It was necessary to prove that the object of the Catholics was not to petition parliament, but to subvert the government, before the House could formally decide that the proceedings of the Catholics were illegal. But even if they were illegal, according to a strict interpretation of the Act, the House should take into its consideration such circumstances as exist to justify them. The Catholics bearing in remembrance the reception o some of their former petitions, could no fail to be induced to render any new application to parliament as free from exceptions as possible. They remembered that when in 1792, they presented a petition to the Irish House of Commons, i was rejected, because the House thought proper to consider it as an act of an obscure faction, confined merely to the capital, disavowed by the great mass of the Catholics, ignorant of their sentiments, and incompetent to speak on their behalf. They also remembered what was said upon their petition in 1805, by a right hon. and learned doctor, that from 19 counties there was not one subscriber to it, not a single man from all the Catholic clergy—and that he asked this question: " How, therefore, can this petition be said to come from the Catholic community o Ireland?" Having such exceptions to their former petitions fresh in their memory, it was natural that they should wish to be able to lay before an administration, which they expected with reason would soon be formed, favourable to their claims, an accurate expression of the wishes of the whole body. But this is not the only circumstance that the House should take into its consideration in justification of their conduct. The Catholics had before them the precedent of their own convention in 1793—the favourable reception of the delegates of that convention by his Majesty—and the approbation of Mr. Pitt, as evinced by the concessions that followed.—They had also the conduct of three lord lieutenants of Ireland to lead them to consider the appointment of a Committee to manage their affairs, as a measure not contrary to law. Lord Hardwicke—the duke of Bedford, and the duke of Richmond for four years of his administration having suffered the Committee to act in the capacity of a body representing the Catholic community. It, therefore, was most unjust to apply the Convention Act against them without regard to the spirit of that Act, or considering the true motives which governed the conduct of the Committees. So far from deserving treatment of this kind, the general conduct of the Catholics had been such as to merit a very different return. It was impossible for their greatest enemies to sustain their charges of disloyalty against them. They had at all times, and at no period more generally than at the present, evinced their readiness to support the character of faithful and loyal subjects; and was this nothing in the contemplation of the right hon. gentlemen opposite, when it is recollected in what manner they have been disappointed, insulted, and exasperated by the conduct of those right hon. gentlemen? Though promised that the union should be followed by the grant of their emancipation, if the statute book is examined, it will be found that no one act has passed to render their condition better than it then was. Though they have presented their petitions to this House, they have been successively rejected, and in a manner, too, and with such language, as almost to take from them all hopes of succeeding.—When, therefore, the House shall take into its consideration all the circumstances connected with the late proceedings of the Catholic Committee—the manner in which his Majesty on a former occasion received an address of a Catholic convention—the exceptions that had been made to former petitions—and the spirit of the Convention Act—he hoped it would at least do that which he and those who sat on this side of the House were willing to do in respect to the conduct of the Irish government—not prejudge the case of the Catholics, or come to a final sentence, till all the information was obtained which might be necessary to form a correct opinion upon it.

General *Loftus* gave the hon. gent. who moved the question before the House, infinite credit for the manner and moderation with which he had done it; and he could have wished that the right hon. gent. had confined himself merely to that question, and had not made the observations he had done respecting the oppressed state of the inhabitants of Ireland, as it tended to mislead that part of the House, not connected with that country. The fact was, that there was not an iota of difference between the situation of the great majority of the inhabitants of Ireland and their Protestant brethren, or between that description of persons and the lower class of people in England: that they had the same laws to govern them, the same advantages under those laws; that they had their forty shilling freeholds, could sit upon juries; and, in fact, there was no difference whatever between the lower class of Protestants and that description of Catholics: that there were about thirty two offices of state, which the educated Catholics were not competent to hold—but which, if they took the same oaths the Protestants were obliged to take, they might hold: that, in fact, the oppression of the Catholics was not any want of Catholic emancipation, but in the state of the country. Lower the rent, and add to the daily labourer's wages, and then they would understand what Catholic emancipation was. In respect to the Convention Act, it was an Act arising from the necessities of the times, and not meant to be acted upon but in cases of necessity. The discontents of Ireland could only be removed by her native gentry, who might do infinitely more good than could be hoped from Catholic emancipation. Let them lower their rents and raise the wages of the labourer, for the high rents and bad wages were the evils most complained of. Of Catholic emancipation the majority of the people knew no more than they did of what he was uttering at that moment. The duke of Richmond had shown every possible attention and kindness to the Catholics, but it was his duty to interfere when the country was in danger, or supposed to be in danger, and not to wait until their plans were completed. Under this impression, he should hope the Chancellor of the Exchequer would at present refuse any further information.

Sir *H. Montgomery* said, that ever since he had had the honour of a seat in that House, he had given all the support in his power to the claims of the Catholics; and it was his ambition to continue to them that support, so long as those claims were brought forward in a peaceable and constitutional manner. It was, however, one thing to support their just claims to a participation in the blessings of the constitution, and another to countenance pretensions not admitted to, or sought for by, any other class of his majesty's subjects—pretensions which, if admitted by that House, would shortly go to annihilate the power of parliament itself. There was no difference between the right of claims on the part of the Catholics of Ireland, and that of the English Catholics. He could see no reason why a convention of English Catholics should not assemble in Great Britain, if such assemblies were allowed to meet elsewhere. Would it, however, be tolerated by that House, that such a Parliament should be established here? How could they be satisfied that their discussions would be confined to subjects purely relative to their own particular situation? The Catholics, although not permitted to sit in that House, had many friends within those walls. Many of their advocates were among those most distinguished for talents and respectability. They were also supported by a large party of noblemen and gentlemen, who heretofore had assisted them in framing their petitions. With these advantages he thought it quite unnecessary to adopt any other mode for the attainment of the object of their wishes. He thought the Irish government were entitled to the thanks of the House and of the country for their conduct in the present instance. Had the measure taken been longer deferred, all efforts to avert the threatened evil would in all probability have proved vain, and a body of men might have assembled, who would have given law to the kingdom.

Sir *John Newport* observed, that the hon. baronet who had just sat down had said, the case was one which admitted of no delay, and that the government of Ireland was entitled to the thanks of the country for the measures which had been pursued. Now, if it was a case which admitted of no delay, how happened it that nothing had been done till the 12th of February? The letter had been published in Ireland at about the middle of January, and much discussion had at that time taken place on the question, whether or not it would be best to withdraw that letter, and submit the subject to the aggregate meeting. That letter had been published in the newspapers. How then could it be unknown to the Irish government? Was it not known that lord Castleross, son to lord Kenmare, had come from a distant part of the country to sit as a member of that Committee? With such information, how was it that the government of Ireland, having paused from the middle of January to the 12th of February, should at length issue such a circular order on its own responsibility? How was it that the information received by government could be such that it ought not to be communicated to the House, while it was of such a nature as to warrant so extraordinary a proceeding as that which had taken place? The right hon. gent. had deprecated the tone in which Irish matters were discussed. On this subject he would say, as he had often said before, that those who were aggrieved had a right to complain; and when a disposition was manifested, as at present, to oppress the people of Ireland by reviving obsolete laws to deprive them of their rights, it became those who considered themselves as the guardians of those rights to speak with warmth—and they were the best friends to this country who earliest called the attention of the House to their grievances, and pointed out the mismanagement of ministers. With respect to the duke of Richmond, he was in some instances entitled to much praise, yet had Ireland many insults to complain of. Was not the making of one learned gentleman (Dr. Duigenan) a right hon. gent., immediately after he had been denouncing the whole body of the Catholics as traitors—the passing of an act to curtail the means of educating their clergy—the appointing an hon. gent. to a high ostensible situation, who was particularly obnoxious to the Catholic body, &c. —Were not these galling insults wantonly offered to the Catholics of Ireland? As to what had been said of the system of toleration which was acted upon, and the conciliatory spirit evinced by ministers, he would say that, if seeking to act on such a principle, they must necessarily insult the Catholics, by placing in a high situation a person by whom they had been most insulted and traduced, both in writings and in Parliament—why then had this been done if this evinced a spirit of conciliation? With respect to what the gallant general had said, that there was not an iota of difference between the situation of the lower classes of the Catholics and their Protestant brethren, he would ask, if every Catholic ought not to be able to hope, as well as every Protestant, however humble his situation, that his son might possibly one day become Lord High Chancellor? Why ought not every father to be enabled to entertain such a hope, with as much appearance of reason as it might once have been indulged by the father of the present, and other Lord Chancellors, who, very much to their credit, had risen from humble situations in life? Why should a Catholic be denied the hope of raising himself, as another noble lord had done, who originally had been but a wool-comber's son? An honourable baronet had expressed himself content that the committee should remain as it was. That, however, was not the wish of the ministers, they denounced it altogether as unlawful, or, what he should wish to know was the meaning of that part of the letter of Mr. Secretary Pole, where he stiles them "An unlawful assembly sitting in Dublin, and calling themselves, The Catholic Committee?" The hon. bart. here detailed the history of those proceedings which had caused the Circular Letter to be issued, which, he contended, were caused merely by a wish to take the general sense of the Catholics on the question, whether or not it would be proper to present their petitions to parliament in the present session. The object was to collect from those in the landed interest, whether or not it was proper the subject should be at present discussed; and he should have thought it would have been the interest of government that it should be taken into consideration in such an assembly, rather than referred to an "aggregate meeting."—The Irish Government had, however, thought it best, in order to preserve the peace, to put an obsolete act in force—an act never before acted upon—an act passed by a bigotted and intolerant government—an act passed, in the time of Mr. Pitt, the result of spleen and of disappointment. That act, he would observe, had led to the abolishing of the Irish parliament, and he warned them, lest, reviving it, they completed the ruin of their country.

The *Chancellor of the Exchequer* said, he had supposed from the appearance of the House, that many other gentlemen had intended to speak on this question, and he therefore had hitherto reserved himself to hear all the objections which might be urged. As it did not appear that any other gentleman was anxious to address the House upon the subject, he must declare that, in his opinion, no *prima facie* case had been made out against the Irish government which called for the present motion, or could render necessary an investigation of the circumstances which had influenced its conduct. He could not but regret extremely, that whenever any discussions took place in that House with respect to Ireland, a great deal of matter got somehow introduced into the debate, which was likely to keep up that spirit of dissatisfaction in that country which had unfortunately shewn itself in the instance which had called for the measure recently resorted to by the Irish government. He lamented the constant practice of gentlemen to give gloomy representations of what they called the degraded state of Ireland. He lamented that gentlemen should studiously labour to keep that feeling of discontent alive, at a time when no immediate good could possibly be hoped for from it, and while it might lead to fatal consequences. On every discussion relative to the affairs of Ireland, they were constantly told to look at the distressed state of that country, and earnestly called on to relieve it by granting that for which they had been petitioned, namely, Catholic emancipation. That it was the duty of government to look to Ireland with the utmost solicitude, he readily admitted; but Catholic emancipation, he contended, could not afford Ireland the relief it required. In always bringing in this subject, gentlemen sometimes rather awkwardly forgot their own arguments; and what was advanced in one instance appeared at variance with that which was stated in another. He agreed with an hon. gent., that the disturbances which had lately taken place in Ireland had nothing to do with politics; yet though this was admitted by gentlemen opposite, when these disturbances were spoken of, they were constantly spoken of as evils to be cured by Catholic emancipation. The interests of Ireland certainly ought always to be attentively considered by the House; but it did not follow that the House should take the same view of the subject as those who represented Ireland to be in such a deplorable state. Others might differ from those gentlemen on the Catholic question, without being guilty of neglect or indifference; and he, for one, thought the measure of emancipation proposed by an hon. gent. would not be likely to satisfy the Catholics of Ireland, unless it went to establish the Catholic on the ruins of the Protestant religion. As to the convention which had been about to be called, with the view he took of the subject, had it been a Protestant meeting, the same measures ought to have been resorted to. It was the offence committed against the law, which was intolerable, and which had called for the interference of government. The question the House would have to consider was, whether any *prima facie* case had been made out against the government of

Ireland to call upon them how to institute any thing like a parliamentary inquiry on the subject. The act alluded to, related to meetings called under pretence of petitioning in bodies and conventions. For his own part, he entertained not the slightest doubt, that the assembly, which was to have been prevented from meeting by the timely enforcement of the act, would have been illegal.

It had been said, however, that the act was obsolete, and the hon. gent. who began the discussion had even said, that the Irish government had rummaged the dark pages of the statute book to find out obsolete statutes to put in force against the Catholics. (Not obsolete, observed Mr. Ward.) Well, then, the right hon. bart. below him (sir John Newport) had represented it as obsolete. But he would ask that hon. member, whether he had read the papers on the table? If he had, he would have found in them a clear proof that that statute was not obsolete, nor considered as such by the Irish Catholics. It appeared from the letter convening the meeting of the Catholics, that they were not only aware of the existence of the law, but that there was throughout the letter a recommendation to conform strictly to the aw; so that one would have supposed that the course of argument on the opposite side would have been to quote the passage from the letter, and to infer that, as there was no intention to violate the law, there was no necessity for enforcing it. Whilst that letter, however, studiously disclaimed any wish to violate either the letter or the spirit of the law, he would defy any man, with the key he mentioned, to suppose that it was drawn up for any other purpose than to induce the Catholics to violate the law, whilst it professed to dissuade them from any such violation of it. For what said the letter of Mr. Hay?—

"The Committee desire to add, that "by the law as it now stands, no species "of delegation or representation can be "suffered to take place; nor can any person, without a gross violation of the law, "be a representative, or delegate, or act "under any name as a representative or "delegate. Engaged, as we are, in a "struggle for legal and constitutional "rights, it is our duty, as well as our inclination and decided determination, not "to violate the spirit, nor even the letter "of the law. It is, at the same time, to "be observed, that the law to which we "allude, does not interfere with the subject's undoubted right to petition Parliament; nor, of course, with the only "method by which so large a body as "the Catholics of Ireland could concur in "forwarding a petition."

This was the view they took of the law; and after this, it was impossible to say they were ignorant of the law, or ignorant that it was not to be broken. He would ask any man to look at the letter, and say if it were not intended to create a body of the description of those against which the act was intended to guard, while it ostensibly endeavoured to evade the letter of the law? The following passage might make this more evident:

"The Committee being entrusted with "the petition of the Catholic Body, feel "it incumbent on them to state to you, "their conviction of the imperative necessity of an increase of their numbers, "so that there may be managers of the "petition connected with every part of "Ireland. It is highly desirable, that "the Committee should become the depository of the collective wisdom of the "Catholic Body. That it should be able "to ascertain, in order to obey, the "wishes, and clearly understand the "wants, of all their Catholic fellow-subjects."

Now he should be glad to know if a representative body could be better described than in the words of that paragraph? But the right hon. bart. had said they were to be called merely to consider whether or not the petition should be discussed. Now, if that were the sole object they had in view, why was it necessary to make "a depository of the collective wisdom of the Catholic Body?" Why were the persons to be named as "Managers," to be such "whose avocations require, or leisure permits their permanent or occasional residence in Dublin?" If they were to meet with but one object in view, in one solitary instance, would it have been so necessary that its members should be able to reside in Dublin? That would not have been necessary, had they not had other views which came within the purview of the statute. He now wished the House to consider how this Convention was to be constituted, in order to ascertain if a doubt could be felt as to their being precisely such an assembly as it was the object of the act to suppress. They had proceeded to enforce their former proposition in the following terms:—

This is the more requisite at the present ioment, when there appears to be so near prospect of complete emancipation; nd the Committee are convinced, that ieir emancipation can now be retarded nly by criminal apathy or neglect mongst the Catholics themselves. They eg leave to suggest to you the propriety f appointing ten managers of the petition n your county. There are now three urvivors of the persons who were delegates in the year 1793; these persons are lready constituent members of the Committee, and, as such, managers of the petition; so that you have to appoint only even additional managers."—Now the Convention of 1793 was precisely of the lescription which the act was intended to out down. From the mention made of hose who remained of the delegates, it vas obvious that it was the object of the Committee to have their numbers filled ip with persons of similar principles and iaving similar objects in view. This hen formed exactly the case which the ict was intended to meet. The question before the House was, had the act been misconstrued? and if it had not, whether or not it was expedient to carry it into effect in the present instance? He thought he had proved the legality of the act, and proved that the Catholic Committee knew it to be a legal measure. But it was said, if it was necessary to enforce it at all, why had it not been enforced at an earlier period? If the Committee were originally an illegal assembly, it ought not to have been permitted; and if not, after having been allowed to sit so long, it ought not now to be disturbed. This depended on circumstances. The question was not, if the delegates of 1793 and 1806, from the nine parishes in Dublin, were to be considered as forming a legal assembly; but whether or not, when the Catholic Committee assumed the authority of issuing their writs (as it had been well expressed by an hon. gent. in the course of debate,) to collect together 320 additional representatives, holding this language,—the question was, whether, under such circumstances, that assembly, which, though illegal (if they would have it so), had been winked at, and properly winked at, should not be taken some notice of when they proceeded to act in a manner different to what they acted in before, and when their proceedings were likely to lead to the most mischievous consequences?

When the hon. gent. said care ought to be taken not to damp the high spirit of the Irish, he perceived that he was not unacquainted with the nature of the discussions which had taken place. They were highly inflammatory, and had been circulated all over the country with great activity. If the information he had on the subject from the Irish government was correct, and that it was he had no doubt, not only were the steps taken authorised by the act, but, had they not been taken, the administration would have failed in its duty. Now, as to the lenity which it was said should be displayed in putting this assembly down, it might perhaps be satisfactory for gentlemen to know, that it was likely in every respect to be attended to on the part of his grace the duke of Richmond; and that such was precisely the effect of the instructions sent out to him by the English government. The circumstance was much lamented by all who were in office, and most particularly so by the illustrious personage at the head of the nation. With such feelings, ministers had stated to the Irish government, "that it was their confident hope and expectation that every degree of mildness and lenity would be shewn in putting the law in force, consistent with the public security." The legality of the proceeding, he trusted, was established to the satifaction of every one, on the documents now before the House. To give more at present, would be to shake the authority of the government of Ireland in a manner which would be productive of the greatest inconveniences. The hon. gent. however had stated, that the Irish government had made out a bad case, and that he wished for more information that a better might be furnished. In answer to the questions which had been asked, ministers had answered that they had two documents which they thought would be sufficient to establish the legality of what had been done; but he conceived that it could be thought by no one that in bringing forward these, they brought forth the whole defence of the Irish government. The production of another dispatch could not alone do justice to the motives which had influenced their conduct. What had been produced proved it to be a complete legal act, and he thought there was a strong presumption that it was a wise, expedient, temperate and lenient measure. The point that had been most urged against the Irish government was, that it had not acted with more rigour, and interfered before. But he felt

Stewart (now lord Castlereagh). But the Catholics are this night charged by the Chancellor of the Exchequer, with an attempt to evade whilst professing to observe a law, which it was their determination to violate. One would have thought, after all his affected respect for that body, that no such imputation would be presumed. Would it not be more proper, more correct, and more politic, to infer, even if a violation of law took place, that it did not spring from any predetermined disposition to commit an offence?

It has been said, Sir, that these discussions in parliament have occasioned the irritation that prevails in Ireland; but it has been well and truly answered by my right hon. friend near me, that unless these irritated feelings have the means of evaporation in debate, they will lead to conspiracy; that, if the Catholics cannot proclaim their grievances, in open day, they will brood over them in caverns; and what will be the consequence? Although in imitation of the right hon. gent. opposite, I have already gone beyond the question, I must observe that he (the Chancellor of the Exchequer) had at his entrance into office given a bond, sealed with his honour, that he never would concede the Catholic claims. Who sanctioned this act of the Irish government? It is most important to ascertain this, that the character of the head of the government here may stand clear, if in reality it is clear, and on that ground I shall vote for the production of these papers? It is highly desirable that the government of England should stand unconnected with this proceeding, to see whether Mr. Pole has been authorised to carry into execution this civil mode of arrest, or whether he has not been told that he has gone a step too far, and that part of his work must be undone. I apprehend that this is what has actually taken place. Suppose the Committee chose to hold its sittings in England, is there any law to prevent it? Then why should there be any such law in Ireland? I am anxious to see how the matter really stands, that blame may rest where it is justly due.

The *Chancellor of the Exchequer*. Sir, there is one point on which I wish to correct the hon. gent. He says, that when I came into power I gave a bond sealed with my honour never to concede the Catholic claims. To whom did I give such a bond? Never, to any one. I most distinctly deny it. I have, indeed, by the expression of my sentiments in this House opposed the Catholic claims; and when look to the present state of the Catholics I cannot anticipate any change in my opinions. If the hon. gent. chooses t call this declaration a bond, I am satisfie with that explanation; but if he says ever gave any other bond to any livin person, I must flatly contradict it. I neve did. Relying as I do on the wisdom o the Irish government, I feel convince that they have not acted in this instanc without being fully warranted by information.

Mr. *Whitbread*. The right hon. gent deserves an explanation from me, and h shall have it. I did not mean to imput to him any thing which did not pass in this House. When I said he gave a bon not to concede the Catholic claims, I referred to the manner in which he cam into power. The former ministry wen out of power because they would not giv such a bond. He came in, and of cours it was to be inferred, that he had entere into that stipulation, for refusing to ente into which his predecessors had gone out

The *Chancellor of the Exchequer*. I gav no such pledge on my taking power. Bu those who had left the government wer pledged to the contrary, and it was natura to expect that those who had always opposed the Catholic claims in parliament would do so in power. So far I gave pledge, and no farther.

Mr. *Whitbread* rose.

Mr. *Yorke* rose to order.

The *Speaker*. Certainly this has gone into a digression. It will be for the House to consider how far they will allow it.

Mr. *Whitbread* submitted to the candou of the right hon. gent. (the Chancellor o the Exchequer) whether, in justice eve to him, he might not be permitted to explain. He did not say that the pledg had been given in so many words, or in a writing drawn up for the purpose.

Mr. *Yorke* again rose to order, and appealed to the chair.

Mr. *Ponsonby* maintained there was n disorder, except what was occasioned by him who called for order. The Chancellor of the Exchequer had explained two o three times, and why should not his hon friend be heard with equal patience.

Mr. *Abercrombie* said, that his hon friend's words were directly in explanation.

Mr. *Whitbread* stated, that he considere the pledge as given by accepting office, when it had previously been relinquished on the sole ground of a refusal to consent to any such pledge. Under these circumstances the king had been deceived, unless the gentlemen accepting office understood themselves to be bound.

Mr. Yorke and Mr. Fuller then rose.

The *Speaker* adverted to the inconvenience that must result from allowing these explanations to go into so much length, and thought it better the matter should rest.

General *Loftus* then stated in explanation, that the majority of the Catholics of Ireland were in no worse a condition than Protestants of the same rank.

Mr. *Fuller*. Perhaps, Sir, I was not a very proper person to rise to order, but no matter for that: I confess it. When I do get up, however, I speak to the subject; aye, and pretty freely, too. When the hon. gent. opposite (Mr. Whitbread) talked about his bond and his sealing on honour, and things of that kind, all it came to in the end was 'supposing.' For that matter, I could suppose any thing myself. But he has no right to talk of other people, for I never saw a set of men sneak out of their offices in the way his own friends did.—They shewed a great deal of uneasiness. They sneaked out most contemptibly. [Order.] 'Pon my honour, Sir, it is not merely my own remark, I speak on suggestion. But the hon. gent. has no right to say or suppose that my right hon. friend would enter into a bond: No, he would disdain such a thing. He shewed them that in late affairs—he shewed them a spirit, I think, which they felt, aye, and heartily too.—[Hear, hear!]—As to these Irish affairs that they talked so much of now, why, I remember very well myself, about 30 years ago, a set of people coming down to this House, just like the hon. gentlemen, sweating and fuming, all in a fume like a steam engine. [A laugh.] The cry was then, "Won't you grant Ireland arms to fight for you?" Well, we did give them 60,000 stand of arms, and they turned them against us. I have no great faith in Catholic emancipation. I think that there is a radical and rooted antipathy between England and Ireland. [Order!] Well, then, try Catholic emancipation, if you think it will do. I care no more for a Catholic than I do for a Chinese. Give the fellows in their red waistcoats and blue breeches every thing they want. But it won't do. No, let the great men of the country go home, in place of spending their money here; let them regulate their own tenantry and their estates, and not hear of them only through those secondary persons whom they employ. [Hear, hear!] That will do more to conciliate Ireland than all the measures there is so much work made about. As to the duke of Richmond, I know him, and he is a brave, generous, noble-minded man; and such a man will never descend to oppress those below him. I believe he has tried lenient measures, but they failed; and he was compelled to try severity. I will now vote against the motion. I will wait and not give an intemperate opinion, such as ought not to be given in parliament.

Mr. *C. H. Hutchinson* said, he should think himself unworthy of a seat in that House, if he allowed a circumstance alluded to by the hon. gent. who spoke last, to pass unnoticed; but in remarking upon it, he would preserve that good humour for which the hon. gent. himself was generally distinguished. He had been most unhappy in his allusion to the transactions of 30 years ago. He was even inaccurate as to the time, for it was not 30 years since the circumstances which he had so imperfectly described took place. The fact was, that the Irish, ill treated as they had been by Great Britain, asked for arms, and used them in your defence. That gallant nation, having an account still to settle with you, generously lent its aid when it found you in difficulty. Such was their conduct then; and had they since done nothing for you? Wherever your thunder has rolled—east, west, south, or north—have they been absent? Let that gallant people only stand neuter, and he would ask, where was the power and glory of Great Britain? Let them only remain neuter, and the strength and glory of Britain was at an end. The most glorious of your late triumphs have been not a little owing to the exertions of the gallant people whom the hon. gent. had this night traduced. He wished to say this with good temper, as far as respected the hon. gent., but at the same time with indignation, at finding within the walls of that House so much ignorance of the capabilities of Ireland, either for aggression or defence; and he was sorry to say that the hon. gent. was not the only one to whom this ignorance extended.

With regard to the question more immediately under consideration, he was anxious to know whether this act of the

Irish government had the sanction of the executive authority here; for if it should go abroad that this proceeding had been approved by the Regent, and his government here [No! No!], he understood the right hon. gent. to have said, that he considered this as an act of great prudence on the part of the Irish government, and that it was approved by the government here. He wished then to know, whether the Regent had instructed his ministers? [A cry of, Order, Order.] Mr. H. then proceeded to correct the statement of the right hon. gent. opposite, as to the purposes for which the Convention Act of 1793 had been framed. The design then was to put down an armed association of united Irishmen acting against the government, and having for its object the complete overthrow of parliament. It had been stated by the administration of that day, that the society in question held communications with France, and that its design was to overturn the government. The Act was brought in upon the spur of the occasion to prevent the meeting of a congress at Athlone, having, as had been alledged, these objects in view. Did the right hon. gent. then mean to say that any such object was to be imputed to the Catholic Committee, the assembly against which the Act was now enforced? He maintained that the right hon. gent. had not dared to state the facts correctly. Would he say that the object of this assembly was not to petition—but to put down the parliament and redress their own grievances? Did he mean to say that it held any communication with France? No—he could not lay any such thing to their charge. Their object was clear; they met in order to prepare a petition for the redress of their grievances. In this their design was to refute the assertions of those who had maintained that the majority of the Catholics did not desire emancipation. They wished, as far as possible, to collect the unanimous sense of the Catholic body, to shew the fallacy of such improbable statements. The law therefore had by this act been violated—a law, however, which ought to be repealed as soon as possible, and he intended to give immediate notice of a motion to that effect. No difficulty to petition existed in this country, which comparatively was possessed of every blessing. Why then should the difficulty exist in Ireland, where there were so many grievances, and where the exercise of the right to petition was so much the more necessary? But even if the law did apply, he did not think that under the circumstances it ought to have been put in execution. If Ireland was in a state so disturbed, notice ought to have been given to the government here—and if they had notice here, then they were most culpable in not having stated this in the speech from the throne, of which the agitations of Ireland ought to have been the most prominent feature. If disturbances existed in Ireland without the knowledge of ministers, their ignorance was criminal. He concluded by deprecating the dangerous tendency of the system pursued by the minister, who came down with the speech to the House at the opening at every session, studiously abstaining from giving any thing like an accurate view of the state of Ireland, and represented this conduct as directly opposite to his duty.

Mr. *Fuller* admitted the justness of all the encomiums upon the Irish out of their own country, but still maintained that they had been in rebellion against us.

Mr. *Ponsonby* said, he would have strictly confined himself to a few words on the subject then before the House, if it had not been for what had fallen from the right hon. the Chancellor of the Exchequer. That right hon. gentleman had said, it was most unfortunate that Irish business was always brought forward in a tone and temper rather calculated to irritate the feelings of the people of Ireland, than to produce any beneficial effect. Now, he denied the justice and the truth of that assertion. He did not wish to make use of any harsh expression, but he must say that such an assertion could only have arisen from an ignorance of the subject. If the feelings of the Irish people were irritated, it was not occasioned by any thing which had been said in that House. Were the people of that country so stupid as not to feel their misfortunes until they were told of them? He was astonished at such a remark. So lately as the 20th of June last, the commissioners in their speech, had said—"His Majesty was sorry that the pressure of the times had rendered it necessary that some addition should be made to the burdens of Ireland—but that they were so judiciously chosen, as not to interfere with the growing prosperity of that country." But where was the proof of that growing prosperity? Was it to be found in the fact, which he defied the right hon. gent. to disprove, that the whole of the revenue of

Ireland fell short, by a million sterling, of the payment of the interest of her funded debt, without expending a shilling towards her establishment? Had that been occasioned by their speeches? As well might it be said, that the difficulties under which this country at present laboured, were occasioned by inflammatory speeches delivered in that House, as that the misfortunes of Ireland were attributable to such a source. The people of Ireland felt their situation; let not that feeling be pushed too far, lest it might induce those who were at present well affected to the connection with England, to consider it as any thing rather than a benefit. With respect to what had fallen from an hon. member (Mr. Fuller) he was not surprised at his mistaking a point of order; but certainly the assertion, that, 30 years ago, the people of Ireland turned the arms with which they had been intrusted, against this country, astonished him not a little. It was another proof of the little attention paid to the history of Ireland. At the time to which the hon. member alluded, so far from any seeds of rebellion existing in the country, the parliament of Ireland suffered a considerable portion of the military establishment to be sent abroad in the service of Great Britain, while the volunteers, who were now branded as traitors, kept the enemy from the shores of Ireland. The right hon. the Chancellor of the Exchequer had said, that, in the conduct pursued by the Irish government, the law was with them, and he pledged himself to the fact. But he (Mr. Ponsonby) could not so readily agree that the law was on their side; and, for that reason, he wished to have full information on the subject. The act which was to be enforced specified the particular kind of meeting which came within its meaning—" If any individuals met under certain circumstances, then such meeting should be deemed an unlawful assembly, and the persons constituting it be guilty of a high misdemeanor." Now the information he wanted was, whether the bodies mentioned in the Circular Letter were really about to meet for the purpose of considering the propriety of presenting their petition, and for no other object? Because the last clause said, " That the provisions of the Act shall not extend to the right of petition." Therefore the mind and intention of those persons should be ascertained. If the letter sent round to the Catholics was merely colourable—if it was only a pretence to cover other views—then he would agree that those who were assembled under it might be deemed guilty of having met unlawfully. But they ought to know how the facts really stood before they attempted to give a decisive opinion.—The Circular Letter of the lord-lieutenant denominated the Catholic Committee " an unlawful assembly"—before a single person appeared to have been elected, in the manner specified by the Act. The whole proceeding had been grounded on the letter addressed to the Catholics throughout Ireland, although, perhaps, no act had been done, nor any persons associated in consequence of it. Certainly some satisfactory evidence should have been first obtained before the measure was resorted to. It might be asked, " Would you, then, permit the illegal act to be committed, and not endeavour, in the first instance, to prevent it?" Undoubtedly, not. But he would have proper information, and then he would be justified in acting. He however defied any person, even the right hon. gent. opposite, to prove them an illegal assembly, by any act they had performed. He knew not on what circumstance the Irish government relied, to make out the charge of illegality against them, and the House should be in possession of the most complete information before they sanctioned it.—There was another part of Mr. Pole's letter, which directed the arrest of individuals, and ordered their commitment, unless bail was given. He had not made up his mind as to the legality of such a proceeding; and he would ask, what had been done by those persons that could clearly decide whether their conduct was or was not illegal—and whether Mr. Pole was or was not justified? They only asked for information to guide them on the subject. But the right hon. the Chancellor of the Exchequer had said, that if the extracts moved for were granted, they would not answer the end proposed. Now, he (Mr. Ponsonby) did not know that. And perhaps some parts of those extracts, which the right hon. gent. considered of no importance, might, on examination, appear to be worthy of particular attention. He had also stated, that when the business was fairly examined, the Irish government would be found, not only borne out in point of law, but decidedly supported on the ground of expediency. But when he made that assertion, did he bring forward documents to prove it? He told the House that the Irish government were completely justified in what they had done. But why did he not accompany that declaration with proofs of the fact? No, the House were called upon to decide on the subject, with what had been already laid before them, coupled with the mere declaration of the minister. But he would not trust to the assertion of any minister, in the present alarming situation of Ireland. And if more information were not granted on the subject at some future period, the House must come to a decision on the conduct of the Irish government, with the little they had procured. It had been observed, that the manner in which the debate was conducted would be productive of mischief in Ireland. Before that was asserted, he wished the British part of the representation would pay more attention to the affairs of Ireland. It had been common to leave that important business to the hands of a very few Irish members, which he conceived was improper and unwise. It would afford a sensible pleasure to the Irish people, to behold the British members studying their interests; and no act could ever make Ireland a contented country till her affairs were more particularly attended to. As long as the present system was persevered in, she must continue to be a source of jealousy, suspicion, and weakness.

The question being called for, strangers were ordered to withdraw. The House then divided, when there appeared—

For the Motion............43
Against it....................80
Majority........—37

List of the Minority.

Abercrombie, J.
Adams, W.
Adair, R.
Anstruther, sir J.
Baring, A.
Bernard, S.
Bradshaw, A. C.
Barham, F.
Biddulph, R. M.
Byng, G.
Calcraft, J.
Combe, H. C.
Creevey, T.
Elliot, W.
Evelyn, L.
Ferguson, R. C.
Freemantle, W. H.
Giles, D.
Grant, G. M.
Grattan, H.
Grenville, Lord G.
Howard, hon. W.
Hutchinson, C. H.
Jackson, J.
Kensington, Lord.
Lamb, hon. W.
Lloyd, J. M.
Macdonald, J.
Millar, sir T.
Morris, E.
Moore, P.
Newport, sir J.
North, D.
Palmer, C.
Ponsonby, G.
Ponsonby G.
Prittie, hon. F.
Sheridan, R. B.
Taylor, M. A.
Tierney, G.
Whitbread, S.
Wynn, C. W. W.
Wrottesley, H.

TELLERS.—Hon. J. W. Ward—H. Parnell.

HOUSE OF COMMONS.

Monday, Feb. 25.

THE KING'S ILLNESS IN 1804.] Mr. *Whitbread* rose, in consequence of the notice which he had given a few days ago, to submit to the consideration of the House a matter which, he had no doubt, would be regarded as highly interesting to the feelings, and of the greatest importance to the interests of that House, and of the country. This position, when he should state what he had to offer to the House, would not, he trusted, admit of doubt or contradiction. When future historians, after the party heats and political animosities of recent times, have been consigned to that silent oblivion to which the animosities and feuds of former periods have been already consigned; when these historians, removed from the period, and uninfluenced by the circumstances under which the events they will have to record have taken place, shall come with an impartial judgment, and unprejudiced feeling, to narrate the transactions of recent times, they will, notwithstanding the impressions which the influence of party animosity might have made to the contrary, in taking a review of the transactions of the present reign, conclude, that under no circumstances, and in no times, have the people of any country been more loyal or more affectionately attached to the person of their Sovereign than the people of this country have been, during a long series of years to his present Majesty. If they should only look back to the period of the last 25 years, they would find that the love and attachment of his subjects were not given alone to the King during the interesting period of youth or the prosperous and successful portion of his reign, but that they increased in times of personal affliction and infirmity; and, instead of suffering diminution, had been considerably strengthened, as his faculties and health had unhappily declined. If, then, the people of this country had delighted in the prosperities of his Majesty's government—if they had ever felt the deepest interest in the health of their Sovereign—if, in the days of his strength, they rejoiced at his happiness, and in the hours of his affliction and infirmity, they sympathised in his sorrows and mourned over his sufferings, they had a just right to know, that no foul trick had been, at any time during the existence of such respectful devotion to their monarch's interest nd person, practised by his Majesty's ninisters, either towards the King, or towards the people. If he could be able to hew, that according to a statement made by a right hon. gent. (Mr. Yorke) on a former night, the King had not had fair play, that neither the King nor the people had fair play shewn them by the administration, of which that right hon. gent. formed a part, he trusted that he should do enough to excite the indignation of that House, and to induce them peremptorily to call for an efficient and full inquiry into the whole of the case. This he would confidently undertake to shew, if that House, by agreeing to his preliminary motion, should put him in a condition to substantiate the charge.

It must be in the recollection of the House, that when the calamity had first fallen upon his Majesty in 1788, though there were abundant rumours afloat upon the subject, yet such was the tender affection and ardent zeal of his faithful people, that they could not persuade themselves of the fact, that his Majesty was seriously suffering under the malady given out by rumour, until the truth of the representation was but too fully confirmed by the report of the physicians. When it was afterwards established, by proof, that the King's mind was unsound, that his mental faculties were deranged, and that he was incapable of personally exercising his royal functions, the two Houses resorted to such measures as they thought proper for supplying the defect of the royal authority. But, on its being announced to parliament by the noble lord, who at that period filled the high office now held by Lord Eldon, that he had it in command from his Majesty to acquaint parliament that he had sufficiently recovered to authorise a confident expectation, that after a short interval he should be enabled personally to resume his royal functions; such was the delicacy, such the affection and veneration of the two Houses of Parliament towards the sovereign, that though they had made very considerable progress with the measures they were to adopt, they immediately suspended all proceedings upon them, and waited in fond and anxious expectation for the full restoration of his Majesty. Whatever might have been the differences of opinion; whatever the party heat and political animosity which characterised these differences as to the mode of supplying the temporary deficiency, all feelings of personal consideration or party hostility instantly subsided into one common sense of gratification, at the prospect that auspiciously burst upon the nation; and every eye glistened with joy and gladness at the approaching restoration of the King to his reason and his throne.

When about twelve years afterwards, in the year 1801, the indisposition of his Majesty was again announced to the public by a notification from his physicians; that notification was so cautiously guarded, that, if the nation had not been aware of the malady with his Majesty had been previously afflicted, it would have been impossible for any man to know, from any thing that appeared upon the face of the statement of the physicians, that the King, though undoubtedly indisposed, was not still competent to the exercise of all his royal functions. Yet, from what had recently come to the knowledge of the public, by the examination of the physicians before the Lords' Committee, it was fully established, that, at that very period, the King was of unsound mind. On the 22d of February, 1801, the first notice of his Majesty's illness was published, though it was now well known that his Majesty's mental health was then impaired; that he was incapable of his royal functions; that, to use the expressions of one of his physicians, his judgment was in eclipse; yet by reference to their Journals, they would find, that two days after, namely, on the 24th of February, 1801, a commission was issued, signed with the King's sign manual. It was not to be forgotten, too, that in the beginning of that year, 1801, a remarkable political event had taken place. After a long struggle, and a considerable period of adherence to power, Mr. Pitt at length thought proper to resign the seals of office which had been committed to him so long as seventeen years before. A noble lord (Sidmouth), not now a member of that House, was then selected as successor to Mr. Pitt; and after a certain period, took his seat in that House (the precise day he could not call to mind) on his re-election, after entering upon office. It was not material to fix the precise day, but of this he was certain, that on the 10th of March the bulletins ceased to be issued. He would leave it to the House to determine, whether the bulletins had been discontinued for any other purpose than to impress the public with an opinion that the King was fully recovered; whereas, it was now clear, that he was not then recovered; nay, more, that he had afterwards a considerable relaspe: and yet, notwithstanding all this, the functions of the executive were uninterruptedly exercised, and various important acts of state performed, for either of which no constitutional sanction could possibly have been procured from the King, in the state of mental incapacity in which unfortunately his Majesty then was. Yet such was the delicacy of the two Houses of Parliament upon the subject, and of the public, that no notice had been taken of the matter, except by one hon. gent. no longer a member of that House, who had given notice of a motion respecting the state of his Majesty's health. This notice having been seen in the notice book by a right hon. friend of his (Mr. Sheridan), that right hon. friend conceiving such a motion to be improper and unseasonable, on the day in which it was to have been brought forward, moved that the House should adjourn; which motion was seconded by Mr. Pitt, who happened to come into the House whilst his right hon. friend was proposing it, and who at the same time stated, that he would take care that proper notice should be supplied to the House of the state of his Majesty's health, if that should be found necessary.

In the year 1804, only three years after, his Majesty was again afflicted with the same malady. He was taken ill on the 14th of February, and on the following day it was announced to the public. The object of his motion was to bring the circumstances attending that indisposition of the King under the consideration of the House. The motion with which he meant to conclude would be, for a Committee to examine the Lords' Journals for the Evidence of the Physicians respecting his Majesty's state of health in 1804, and to report the same to the House. This he meant only as preliminary to another inquiry, in the course of which, if the House should grant his motion, he would pledge himself to prove what he should distinctly charge and assert before he sat down. It would appear by the evidence which he wished to have produced, that of one of the physicians (Dr. Heberden) who had attended his Majesty in 1804, and was also in attendance upon him in his present malady, that the period of his Majesty's illness, in the former instance, continued from the 14th of February to the 23d of April in that year. His Majesty, it appeared, on the latter day attended a council in person, which the physicians considered as evidence of his being then fully restored. The bulletins however ha ceased on the 22d of March, and yet i was not till the 23d of April that the physician, to whose evidence he had alluded looked upon the King's recovery complete of which he considered his attendance i council a sufficient demonstration. Tha physician also had continued in attendanc upon his Majesty until the 23d of April It was to that period of the year 1804 therefore, that the inquiry, which he proposed to institute, would be particularly directed.

With respect to what had taken place in 1801, it was not his intention, nor indeed did he think it necessary, to propose any investigation, as well because many of the persons who were implicated in the transactions of that period were now no more, as because none of those others who were concerned in them, were now in office or in a situation to excite suspicion, or to give alarm to the public, lest they should on any future occasion be guilty of the same conduct. But as he found, that one of the persons, who, under the late act for establishing a Regency, was to be of the Queen's Council, had been Lord High Chancellor in 1801 and also in 1804; when he knew that a noble lord, now a member of the other House (lord Sidmouth) was at the head of the administration in both instances; when he perceived a right hon. gent. opposite (Mr. Yorke) who was a Secretary of State in 1804, and a noble lord under the gallery (lord Castlereagh), who was also in his Majesty's Cabinet at that period, he was persuaded that the House would feel how necessary it was, either with a view to precaution or for the purpose of example, to enable him to prove his assertions; or, on the other hand, if his assertions were not founded, to give the noble and honourable persons he had mentioned an opportunity to disprove them. With regard, however, to the right hon. gent. opposite (Mr. Yorke), or the noble lord (Castlereagh) under the gallery, he did not mean to impute any blame to them; because he could not possibly know whether they were guilty. But whether guilty or not, that would come out in the inquiry which he proposed to institute. To John lord Eldon, however, now as then Lord Chancellor, and to lord viscount Sidmouth, who was at that period at the head of his Majesty's government, he thought, in his conscience, that the whole blame was justly imputable. This he was not only prepared to ssert, but to prove. Lord Eldon was ord High Chancellor in 1801, when a reat and important political change was ffected: he was also Lord High Chanellor in 1804, when another important olitical change had also taken place—a hange certainly not brought about in e same manner as that in 1801, when Ir. Pitt, looking to the successor that was o replace him, contemplated the prospect f retaining all the political influence, if ot the official power, from which he was rofessing to retire.

The change in 1804 was of a very diferent description indeed. On that occaion the two great parties, which had been o long in opposition to each other in that Iouse, had for some time acted in unison nder the guidance of the two greatest poitical leaders that had ever distinguished hemselves, upon any arena, in opposition o the government of that day. They ook their stand upon one of the great easures of that administration, and musered upon a division within fifty of the najority which supported the ministerial neasure. Upon that symptom of his delining influence in that House, Mr. Adington thought it prudent to resign his ffice in a manner certainly not conformale to the fashion of more recent times, vhen ministers, after finding themselves epeatedly in minorities, still ventured to ling to office, and dared to retain their laces. But the projected union did not ake place. Mr. Pitt consented to come nto office without the support of those vith whom he was solicitous to co-opeate. Lord Eldon, too, consented to acept office in that administration; and hus, after many years of political hostility nd contention, when the hopes of the ation were anxiously anticipating an union f the two great parties, under the auspices f Mr. Pitt and Mr. Fox, for the salvation f their common country, these fond exectations were frustrated by the acceptnce of office, on a system of exclusion, y the administration of 1804. During his anxious and critical period, lord Eldon was the only person who had access o his Majesty. Whether that noble lord xerted himself in the interviews he had vith his sovereign, to promote the union o greatly desired by all classes, and by o person, he believed, more than by Mr. Pitt himself, or not, it was impossible for im to know. That was a circumstance vhich must rest in the noble lord's own osom, as in all probability there had been no witnesses present at any of these interviews. But he must admit, however, that that noble lord had not shewn himself so decided in his opinion upon the subject, as the right hon. gent. who was at that time Attorney-General. That right hon. gent. had thought proper to declare, that "such an union would have been a disgrace to both Mr. Pitt and Mr. Fox: that they could not, in case it had taken place, meet at a council without being ashamed of themselves;" and yet that right hon. gent. had thought proper to continue in administration with Mr. Pitt, who had been in heart guilty of wishing such an union to take place. Yet it was unquestionable that Mr. Pitt wished for that union in his heart, which his Attorney-General could not possibly reconcile to his notions. It was equally well known, too, that a right hon. gent. opposite, (Mr. Canning) was equally zealous for that union, with the great leader of the party, Mr. Pitt. It was true the right hon. gent. might say that he would not, as Attorney-General, have known more of what was in the contemplation of the great leaders of that day, than the humble individual then addressing the House: but it was scarcely possible that the Attorney-General should not have known facts, which came to his (Mr. Whitbread's) knowledge, within a few days after they had taken place.

In calling the attention of the house to the circumstances of this period, he must beg of gentlemen to bear in mind that lord Eldon had been particularly questioned in the House of Lords in 1804, as to the state of his Majesty's health. Mr. Addington (now lord Sidmouth) had also been questioned in that House by an hon. member (sir Robert Lawley) on the same subject. When first asked about the state of the King's health by that hon. member, it would be remembered, that Mr. Addington said that he thought his best course would be, not to give any answer; but when pressed for an answer by Mr. Fox, he said, "that there was no necessary suspension of any necessary act of the executive functions;" and when still further pressed by Mr. Pitt, "that there was no necessary suspension of any of the royal functions;" and added, that he stated this, not upon his own authority, but upon the opinions and authority of the physicians; meaning thereby, no doubt, that he had personally no access to the King. On the 6th of March, the

Lord Chancellor stated in the House of Lords, that he had been with his Majesty on the 5th, and also on the 4th, and after having explained to him the nature of a bill then pending, for alienating certain Crown Lands to the duke of York, that his Majesty had commanded him to signify his assent to that bill. On the 9th of March, a commission signed by the King was issued; and when lord Eldon was asked on that day, whether he had personal knowledge of the state of the King's health, using a figure, not unfrequent with that noble lord, and which is so characteristic of his eloquence, "that he would have his right hand severed from his body sooner than desert his sovereign," he declared, that he would never think of doing an act so unconstitutional, if the King was incompetent—that he was aware of what he was doing, and would take the whole of the heavy responsibility upon himself. Now, this was what his motion was intended to ascertain, that he should therefore confidently call upon the House to put him in a situation to bring that responsibility to issue. He was ready to take upon himself to say, that his Majesty was at that time unsound in mind, and to a period long posterior—that he was incompetent to his functions—that his reason was clouded, and his judgment eclipsed. Yet whilst the King was still unhappily in that state, lord Sidmouth, on the 26th of March, brought down a message to that House from the King—from the King, deranged as he was in his mental competence, and incapable of exercising any sound discretion. This fact he should broadly assert; and he therefore called upon the friends of that noble lord to place him and themselves in a situation to answer to this charge. To say, then, that they were prepared to share the responsibility, would be worse than idle—it would not be sincere. He called upon the House of Commons, then, to put him in the situation to prove his charges. It was necessary for the character of the individuals concerned that they should be disproved, if not founded, and it was material to the public that they should be proved if true: because, if the case was as he had stated it, the public had been imposed upon, and might again be grievously imposed upon, if that should not be prevented by the result of the inquiry he proposed.

Upon a question of such importance to the vital interests of the constitution of the country, parliament must have expected and should have required much more satisfactory proof of his Majesty's recovery than the bare assertions of physicians. When a king of England had been placed in a situation not to be capable of performing his royal functions—when reduced to a state of health in which a private individual would not be allowed the disposal of his property—when he had been under restraint—when he had been taken out in a morning to be shewn to his subjects under colour of being recovered! and had been carried home in the evening to be placed again under restraint—when his incapacity had been solemnly voted by the two Houses of parliament—was it right or proper, he would ask, that a king of England, after having been in such a situation, should have the important fact of his recovery established on no better authority than the statement of physicians? In the Committee he had put a question to Dr. Heberden, whether the King was so far recovered as to be competent to attend to all his public and private business. To this Dr. Heberden answered, yes. Another physician answered, also, yes; and Dr. Willis, in a most positive manner, answered, most assuredly. But he would contend, on the contrary, that his Majesty was not at the time so far recovered as, in the case of an individual in private life, would warrant the superceding a commission of lunacy. The Lord Chancellor, he had heard, would not, as he had publicly declared in court, take the opinions of physicians on an application to supercede a commission of lunacy; he would hear the opinions of the physicians, and upon a consideration of them would form his own judgment. That noble lord knew well the difficulty of proving the perfect recovery of persons in such a complaint: he well knew that many individuals so affected appeared in every other respect in perfect mental health, until a certain chord was touched, upon which their delusion turned, when the whole fabric, raised by their morbid cunning to conceal their defect, instantly was overthrown. Indeed, that noble lord, in the course of his practice as a barrister, if he was correctly informed, had personal experience of the difficulty of ascertaining the complete recovery of a patient from such a malady, and of the fallacy of the appearances which sometimes seem to indicate a perfect re-establishment. It had been stated by that noble lord himself, that in the course of his practice it had happened to him to have to make an application to the Court of Chancery to supersede a commission of lunacy upon such grounds, taken both as to time and quality, as left no doubt upon the mind of that learned lord of the restored security of the person on whose behalf he made the application. The commission was superseded, and it was not long after, when the individual came to thank him for his success, that he was convinced by his manner, that the motion, in which he had succeeded, was the greatest injury that could have happened to the unfortunate man. He was justified, therefore, in assuming that the noble lord would not supersede a commission of lunacy without the fullest proof of the perfect restoration of the patient. Would the House, then, or ought they to be satisfied with a statement of the physicians, that his Majesty was competent on any particular day, or on any hour of any day, to the personal exercise of his functions? Would such a statement, in the case of an individual, be admitted by lord Eldon in the Court of Chancery, as sufficient to set aside a commission of lunacy? He had taken much pains to ascertain by what rules the practice of the Court of Chancery was regulated in such cases. In the case of the Attorney General versus Panther and others, which was an issue out of Chancery to the Court of King's Bench, to try the validity of a will, made under the following circumstances: the testatrix, Frances Barton, had been previously disordered in her mind, but at the time of making her will, was proved by the attesting witnesses to be of sound disposing mind: no imputation was cast upon the character of the witnesses: the jury found in favour of the will; but the decision not being satisfactory to lord Kenyon, an application was again made to lord Thurlow. In that argument it was laid down by that noble and learned lord, that if derangement be alledged, it must be proved; but that if any lucid intervals have existed, the bulk of proof was to shew the soundness and sanity at the time of the lucid interval; and that such evidence must be as strong and as demonstrative as was the proof of the previous derangement—that it must go to the habit and general demeanour of the person, and not depend upón the existence of any temporary self-possession.

From this doctrine laid down by that noble and learned lord, it was obvious that before the lucid interval could be recognised, the disease must be entirely gone and dissipated—that there must remain no latent spark, which might revive the phrensy or recal the delusion—that the interval should not have been produced by medical expedients for certain occasions, and particular business. At the time when Dr. Heberden represented his Majesty as having been so well as at any time of any day to be capable of business, another of the physicians admitted that he was liable to hurries, but that business generally had the effect of restoring him to calmness and composure. Why, this very effort of business was what he considered as one of the medical expedients. He could have wished to cross-examine these physicians on their evidence. (A laugh from the treasury bench). He could have wished to ask Dr. Heberden, whether, when he said that the King was perfectly well after the 23d of April, he did not know that Dr. Simmons was attending his Majesty; that that physician continued for some time after in attendance on the King, and had employed even other attendants near his Majesty's person. If he had asked these questions, and Dr. Heberden had answered, as he knew he must have done, in the affirmative, would the right hon. gentleman scoff at such a cross-examination? He would ask the lord chancellor himself, too, whether at the time when he, in the name of the King, exercised certain acts of the executive authority, he was not aware of the controul exercised over his Majesty? Whether he had not himself exercised a controul over his Majesty? Whether he had not possessed himself of the keys of his Majesty's private escrutoire, which he refused to give up? These were facts of which he had himself no doubt, but which ought to be inquired into. The King, he contended, was under controul when the change took place in 1804; and when Mr. Pitt went into his Majesty, Dr. Simmons went out. Was it not then material for lord Eldon, for lord Sidmouth, and all the others concerned, to place him in the situation to prove all the charges he had made, or to take the opportunity of acquitting themselves of all imputation by disproving them?

But there were, in the manner in which the restraint was imposed upon his Majesty, circumstances of aggravation which rendered it peculiarly necessary for that

House to inquire into the case. He was assured, that the controul over the sovereign had been exercised in a manner, which, if known to the public, would excite their sorrow and indignation, and convince them that the King had not been fairly treated. If they loved the King—if they were attached to their sovereign—if they respected the royal office and authority—they were bound by every feeling of humanity, and every principle of duty, to inquire into this matter. If the individuals concerned should not disprove these statements, which, without the fear of contradiction, he submitted to the consideration of the House, he was afraid the kingly office would be brought into disrepute. Even lord Eldon himself, in the case of Ridgway and Darling, in 1802, carried, as he then acknowledged, the power of the court farther than it was carried in the time of lord Hardwicke. In that case the noble lord declared, that the care of the court extended not alone to insane persons, but also to weak and infirm persons, to save them from any loss or injury to their property; and observed, that no person could see the lady without perceiving the necessity of throwing care around her. Upon this he would ask the noble lord, what was the state of the King? Could any person see him without perceiving the necessity of throwing care around him? In the case of the lady to whom he had alluded, lord Eldon asserted, that every one would see the propriety of providing care for her. He did not feel it necessary to come to parliament in her case; he provided for the care of her property; but he suffered the King to give away the property of the crown, at a time when he must have been aware that his Majesty was not in a state that would warrant the chancellor in superseding a commission of lunacy in the case of a subject. For himself, he had no doubt that his Majesty had at the time been able to hold rational conversations; he was convinced that he could then, at intervals, converse as rationally as he himself could at present; yet in his conscience he believed, that the mind of the King was at present much more sound than it was in 1804 or in 1801. He must say, too, that the King had not had fair play, when hurried out, and driven to the east and to the west, as they might all recollect, to be exhibited to his subjects; and afterwards taken home in the evening, to be placed under the restraint from which in the morning he was withdrawn for the purpose of this public exhibition; yet all this had been done, and lord Eldon was a principal party to the transaction. Was it not well known that persons might appear of sound mind, until the corner be explored which contains the ground of their delusion? In the case of Collins, lord Eldon held, that before he could supersede the commission, the recovery should be fully established by the physicians, as to the whole competence of the party, and under all circumstances. In that case, the noble lord quoted a case, in which he proceeded with lord Thurlow, when that person was chancellor, to get a commission superseded for a party whom after many interviews and various conferences he thought perfectly well, till he came to thank him for his success, when he gave such evident proofs of insanity as made him regret his success. If the noble lord was deceived in that case till the circumstance of success produced marks of the delusion, had he, he would ask, ascertained whether there were any topics upon which particularly his Majesty's complaint hinged? Had he, in order to convince himself of the recovery, sought out those topics, and submitted them to his Majesty's mind? Or had he studiously abstained from them, and yet ventured to pronounce his Majesty well, while he knew he was yet under the controul of Dr. Simmons and his attendants? Lord Eldon was the only one of the ministers who saw his Majesty during his illness in 1804. Mr. Addington resigned whilst his Majesty was in that state. He could prove all this, and required only the opportunity of doing it. If he should, in establishing the charges he urged against lord Eldon, succeed, it would be necessary to take some proceeding in consequence, in order to prevent that noble lord from remaining in her Majesty's council. When his inquiry should be concluded, it would be for the House to decide what further measures would be necessary to be taken. The hon. gentleman concluded by moving, "That a Committee be appointed to inspect the Journals of the House of Lords, with relation to any Proceedings in the present Session, touching his Majesty's Illness, so far as relates to the State of his Majesty's Health in the year 1804, and to make report thereof to the House."

Lord *Castlereagh,* as he was the only person then in the House, who had been in his Majesty's cabinet at the period alluded to by the hon. gent. felt bound in duty to his Sovereign, to the House, and to himself, to take the earliest opportunity of stating his sentiments upon this question. He should not be deterred, delicate and important as the question was, by any delicacy from performing that which he conceived a duty, however painful it might be to him. He must admit, that the hon. gent. had not by any means attempted to colour his statement invidiously; he would go further, and say, that if the persons in power at the time to which the hon. gent. had referred, could so far forget their allegiance to their Sovereign and their duty to the country, as to abuse the confidence reposed in them, for the purpose of turning it to their advantage or to the injury of their country, they were guilty of a constitutional crime which could not be defended, and which must hold them up to the severest account. The hon. gent. had, he would not say illiberally, but perhaps naturally, directed his particular attention to the conduct of lord Eldon, who held the same high situation then as at present. But he (lord Castlereagh) could not, as a man of honour, forbear claiming his full share of the responsibility, and of the blame, if there was any; which, however, he denied. This was not a mere bravado; for he would tell the House, why he considered himself as equally responsible. It was because he was conscious that none of the ministers would have gone up and taken his Majesty's pleasure on any business, unless the whole of the cabinet, upon the opinions of the physicians, had been convinced that he was in such a state of health as to have rendered it criminal in them to refrain from doing that for which they were now accused.—The hon. gent. was greatly mistaken, if he thought he could prove the facts stated. He was enabled to disprove many of his assumed facts, and to convince the House that lord Eldon was not the only minister of the crown who had access to his Majesty from the 12th of February to the 23rd of April. The opinions of the whole of the ministers were taken, and he assured the House that not one of his colleagues would have had access to his Majesty, if, in the judgment of the whole taken collectively, it was not only thought justifiable, but necessary to do the acts charged. If they had not done those acts, they would be justly held criminal in a constitutional point of view. That he should be prepared to prove what he had asserted, was beyond a doubt. With respect to the precise period at which competence for business was to be presumed, the definition of the hon. gent. was much too large; as it would cover not only the period of the least remains of disease, but even that of recovery. This, however, was not a foundation on which he would rest much; he had better grounds to stand upon. The hon. gent. was then (in 1804) as now, an ornament of the House—and these facts were then fully in his view. (Hear! hear! from Mr. Whitbread, and others). He hoped the hon. gent. would not alledge in his reply, that it was not perfectly understood then, that his Majesty's disorder was of the same description as that with which he had been afflicted in 1789, and which led to the parliamentary proceeding of that period. The fact that Dr. Simmons had been called in was notorious: and if the hon. gent. regarded these things in the same light as he did now, it was a gross neglect of duty in him not to have at that time called ministers to account. Why did the hon. gent. pass over the matter at the time? If this doctrine was to prevail; if they were to listen to such accusations preferred six or seven years after the date of the transactions, he would have a just right to charge the hon. gent. and the House with a design to entrap ministers.

Having made these preliminary observations, he would now come to the main basis of his defence. The nature of the evidence of the physicians taken before the Lords was notorious: the matter, therefore, was already substantially before the House, and they had to judge whether such a *prima facie* charge was made out against the administration of 1804, as to call for a parliamentary inquiry. With regard to Dr. Heberden's evidence, if it was to be taken merely as given before the Lords, it might be considered as affording some colour, though not a real foundation, for this charge. Dr. Heberden had stated before the Committee of Lords, that he had been called in on the 12th of February, 1804, and that his Majesty presided at council on the 23d of April; the interval he considered as the extent of the disease. When pressed with the question whether the malady extended over the whole period, he answered, No; that a few days before the 23d of April, his Majesty was competent to transact public business. The hon. gent. might think that, except for these few days before the 23d of April, his Majesty was not competent; and the implication would, perhaps, have been justifiable enough, if there had been no explanation. He wished, however, to have this evidence of Dr. Heberden compared with that which he gave before the House of Commons. He did not desire to cast any reflection on Dr. Heberden; he had known him long, had been educated with him at the same University, and he believed him to be a fair and honourable man. A man of his high character would no doubt give the same evidence before a Committee of the House of Commons, as he would on oath before the Lords. His evidence before both was therefore to be taken into account, and the testimony in the one case must be admitted as explanatory of that in the other. The idea of a cross examination of the physicians came with a bad grace now from the hon. gent. The House would recollect, that the hon. gent. had been a member of the Committee of that House before which the physicians had been examined, and might have cross-examined Dr. Heberden before that Committee, if he had so chosen. But what was Dr. Heberden's evidence there? Being asked, whether he recollected the time when the bulletins ceased in 1804? he answered, no; but in reply to a question, whether they were discontinued in order to shew that his Majesty was competent to perform the duties of his situation? he said, that they were. Now, the bulletins ceased on the 22d of March, five weeks before the 23d of April. The hon. gent. he hoped, would do him the justice to say, that it was not his practice to evade an accusation, nor to argue a point unfairly. The evidence, then, of Dr. Heberden, taken together, was, that his Majesty was fully competent to the discharge of the royal functions on the 22d of March.—This disposed of the charge so far as it applied to the period between the 22d of March and the 23d of April. But the hon. gent. had called upon him to account for the state of his Majesty's health in the intervening period between the 12th of February and the 22d of March, and this he was fully prepared to do. He hoped he should rescue the government of that day from any design of abusing their situations, so as to take advantage of the circumstances which then arose; and that he should shew, that had they acted otherwise than as they had done, they would furnish a case at which he ought to hide his head, and blush for the pusillanimity which had so unjustifiably and unnecessarily thrown the kingdom into difficulties. The House could not forget the difficulties of that day; the parliament was then sitting; they witnessed the conduct of ministers, and the acts which were then executing. Their non-interference alone was a guide to the councils of the administration. Though they had not the direct authority of parliament for what they had done, yet there was enough in the view of the parliament and the country to enable them to judge of the conduct of the administration, and the ministers might easily collect what was the opinion of parliament. He did not intend, however, to come down now to parliament with that protection; for he would confess that he expected something more than a cold acquittal.

On the 12th of February, the first bulletin issued. On the 27th the subject of his Majesty's illness was noticed by an hon. baronet in parliament, and then only with a view to a particular point. It was enough for him to state, that on the 22d and 27th of February, the cabinet examined the physicians, and the physicians had declared that his Majesty was competent to perform the royal functions; and here he referred to the difference between the year 1804 and the present period, with regard to his Majesty's indisposition. When parliament lately met, it could proceed to no business till it had taken steps, *ex necessitate rei*, to ascertain the want of the royal authority, and to supply the deficiency. But in 1804, parliament was sitting, and in that difficult period was the House prepared to say that the ministers, merely on account of an indisposition in his Majesty of a few days or weeks, ought to come down to the House and suspend the whole course and exercise of the legislative functions? They had this to consider, and when it was recollected that the country was then menaced with invasion, and that the most important measures to meet and defeat it, were in progress, he trusted the House would approve of their determination. On the 22d of February, as he had said, the physicians were examined, and had stated that a very material improvement had taken place in his Majesty's health; and again, on the 27th, they declared that a further improvement had taken place. Being asked, whether they thought his Majesty competent to any act of government, if necessary, they answered, that, though it would be bet-

r to postpone any act, if the public service
ould allow it, yet his Majesty was com-
etent. This was the judgment of the
ysicians, who were to be understood, in
spect of competency, as speaking in the
me way as they would of any private
dividual, imagining that his Majesty was
competent to discharge the royal func-
ons, as a private individual to transact his
ommon affairs, or make a deed which an
onest man would subscribe as a wit-
ess, and which would be valid in law,
pon an inquiry into all the circum-
ances.

But to disarm the question of some of
e jealousy attached to it, his lordship,
hile he admitted the importance of the
yal functions, remarked that the public
terest was always secured by the cir-
umstance, that the minister was at all
vents responsible for every act of the go-
ernment. His lordship mentioned that
e had made a memorandum of the an-
vers of the physicians at the time of their
amination on the 27th of February, and
erefore he had been enabled to speak
it more accurately. The cause of the
esire of the postponement by the physi-
ans, was the danger of a protracted dis-
ussion to a recovering mind. Notwith-
anding the competency of his Majesty
the 22d and 27th of February, no act
f government had been done by him till
e 5th of March. The hon. gent. car-
ed his notion of incompetency so far,
at he would have an instant suspension
eclared, though the derangement was
erely incidental, and likely to be but of
ery short continuance. But on the 27th
February, when the subject was men-
oned in the House, it appeared that par-
ament had a different view of the duty of
overnment. Mr. Fox thought that the
inisters ought to make a communication
the House, and Mr. Windham agreed
ith him, but did not think it imperative
the House to take any steps in conse-
uence. But what was the feeling of the
ouse? Lord Sidmouth stated, that he did
ot think it his duty to make any commu-
cation; and when further pressed he
id, he did not conceive there was any ne-
ssary suspension of the regal functions.
he foundation of this statement was the
surance of the physicians, that his Ma-
sty was competent. Mr. Pitt, whose
nfidence in the existing government of
at day, would not be suspected to be par-
ularly marked, did on that occasion
most successfully contend against the opinions of the gentlemen opposite. He deprecated any unnecessary communication to parliament, because he considered that the practical result of such communication would be the unavoidable suspension of all public business then in progress in parliament. He declared that the question ought to rest with the servants of the crown, and as they had the evidence of the physicians on the competence of his Majesty, that they were bound to make the communication when they thought it necessary. Mr. Grey afterwards came down and urged the subject. And lord Sidmouth then stated, that his report of his Majesty's competency was founded, not on his own observation, but on the opinions of the physicians. Mr. Grey, upon this, said no more, than that if this state of things continued much longer, he should bring the subject before the House in a more regular form. Would this have been enough if it had been thought that the silence of ministers was so criminal as the hon. gent., with no better evidence, now pronounced it to be?

With respect to what took place in 1801, too, he must contend that parliament must have been aware of the nature of the King's malady; for lord Sidmouth, whom it was in contemplation to appoint to the situations of chancellor of the exchequer and first lord of the treasury, vacated his seat on the 12th of February upon the Chiltern Hundreds, and returned to that House again, and was thanked as a private individual. It must have been, then, perfectly obvious that his Majesty was indisposed, and there could have been no doubt as to the nature of his malady. On the 27th of the month of February, in that year, while the bulletins were in existence, Mr. Nicholls gave notice of a motion on the subject, which was received, however, with so much indignation, that it was got rid of without consulting the proposer. Such was the feeling of parliament on this subject, to which ministers naturally attended, in considering what was the line of their duty under such difficult circumstances.

He had already stated, that no act of government had been done at the time of the indisposition in 1804, till the 5th of March, when a bill passed relating to Crown Lands. The Chancellor waited upon his Majesty on the 4th and 5th. It would be recollected that he was the highest officer under the crown, peculiarly competent to judge in a case of this kind, and sworn to give honest and faithful counsel. The physicians were examined at that time, and told that it was intended to explain to his Majesty, and to discuss with him the subjects of several bills then ready to receive the royal assent. They said his Majesty was perfectly capable of doing this. The deliberate judgment of the Chancellor after two conversations, the one on the 4th of March, the other on the 5th, was, that the King was perfectly competent. On the 9th of March the royal assent was given by commission to several bills. One of these was the Mutiny Bill. Now, if his Majesty was thus competent, as upon the evidence of the physicians, as well as the judgment of the Chancellor, they had every reason to believe, what would have been the situation of ministers if they had suffered the Mutiny Act to expire? They might, indeed, have come to parliament for a remedy; but the question was, whether, when such was the opinion of the physicians, they would not, by taking the executive authority out of the hands of the Sovereign, have done an act tantamount to a dethronement of the King. No unnecessary or unbecoming precaution characterised the administration: but still though on the 22d and 27th of February the King was declared competent—though the same opinion was given on the 4th and 5th of March, yet they did not proceed to act on it without first examining all the physicians before the cabinet, and getting it medically confirmed. Then the commission and the sign manual were taken. It was not true, as had been asserted by the hon. gent., that the lord chancellor was the only person, up to the 23d of April, who had access to his Majesty. As the situation which he (lord Castlereagh) then held was rather of a parliamentary character, he himself did not see the King; but lord Sidmouth had seen him on the 19th of March. Lord Sidmouth, then chancellor of the exchequer, had attended his Majesty on the 19th of March, with official papers to be signed by the King, and thought his Majesty fully competent to transact business, as the physicians had stated. The next act was the commission for passing bills on the 23d of March; at which day, Dr. Heberden, taking his evidence altogether, had declared that his Majesty was most fully competent. On the 26th of March, a message had been brought to the House respecting the Iri Militia, the physicians having declare that he was perfectly capable of holdin communication with his parliamen Thus, after all those individual acts, h Majesty came down at the close of th session, and made a speech from th throne. These acts and this evidenc would, he thought, go to shew that th privy council had not acted from a spir of any illicit purpose, but from a clea and confirmed consciousness of publi duty. The principle of incapacitation t the extent contended for by the hon. gen was perfectly monstrous on the face of i The hon. gent. seemed to think that whe once his Majesty's malady was establishe though he might be declared capable o several acts, still he was not sane. In h opinion, this was going too far. His Majesty's illness never had assumed that appearance of insanity; it only amounted t a mental derangement. It was very true that he might not have been in full health nor was any other person in recover from a severe illness ever in full health but then he was not thereby totally incapacitated. From a degree of fever, h might be subject to what the physician denominated hurries; but this could b no means be said to amount to a menta derangement. This was the evidence o Dr. Willis, who was particularly conversant in this species of disorder, and Dr Reynolds also spoke to the same effect.

The noble lord said, he had now lai the entire case before them, and he would submit to the House and the country whether the government had not acte rightly, or, whether they had acte rashly without the consent and judgmen of those medical men who might be bes qualified to form an opinion on the subject. Before he sat down, he must deprecate singling out any particular ministe as the object of accusation. They wer all equally responsible, and an hair o lord Eldon's head should not be touche without himself suffering in an equal degree. It would be presumptuous in him to say what line the House ought to take or to what decision they should come but he had laid before them the material on which to judge, and having so done, he should give, he hoped, a fair and dispassionate vote.

Mr. *Yorke*, notwithstanding the very able and convincing speech of the noble lord, felt it a duty to himself, implicated as he was by the charge of the hon. gent

to the time of the change of lord Sid-
uth's administration, to say a few words
the subject. In the first place, he en-
ly agreed with the noble lord, that the
le lord and himself, and all the confi-
ntial servants of the crown of that day,
re equally responsible for the act charg-
by the hon. gent. as criminal; for al-
ugh it might be true that lord Eldon,
lord Sidmouth, by virtue of their office,
ght go to his Majesty when the other
mbers of the cabinet were excluded,
t the act alluded to was not done with-
a full communication with all the con-
ential servants of the crown, and with-
their unanimous concurrence as to its
ict propriety. The noble lord's ac-
unt of the facts was perfectly accurate.
s own recollection had been aided by a
erence to memoranda similar to those
erred to by the noble lord, and he had
hesitation in saying, not only that the
urse adopted in 1804 was justifiable,
t that, if it had been abstained from,
government would have proved them-
ves not only deeply criminal, but
olly unfit to retain their situations. He
d listened with the utmost attention to
hon. gent. who had made a distinct
arge against lord Eldon by name, and
indirect charge against all the other
embers of the cabinet in 1804, to hear
at kind of a *prima facie* case he would
ake out; and he confessed he was asto-
shed to find, that at a distance of seven
ars from the transaction, the hon. gent.
d not been able to adduce a single new
ct. He defied any one to say that there
s a single circumstance stated by the hon.
nt. which was not generally known in
04. If, therefore, the hon. gent. was
ing his duty in bringing forward this sub-
ct, he was at a loss to account why he
ould produce a charge at so great a dis-
nce of time in preference to the period in
ich it took place, and when it was recent
the memory of every man. He thought
at this being a charge to which a cer-
in degree of criminality attached, after
long a period had been suffered to pass
ay, some facts should be produced,
hich would shew, or tend to shew, that
rtain circumstances of an underhand or
spicious nature had taken place, and
rough the interest and influence of
s Majesty's ministers had been acted
on. Why did not the hon. gent. bring
rward this charge on the evidence of
. Heberden, before the Committee of the
use of Commons? The reason seemed to be, because that physician's evidence on the cross examination produced many answers which were illustrative of his whole opinion, and explained the different periods between the 12th of February and the 23d of April, when his Majesty was so far better, as to be capable of transacting business to a certain degree. The hon. gent. had not, therefore, acted fairly or candidly, either by the House or by ministers, in giving the preference to Dr. Heberden's examination before the House of Lords. The evidence taken before the Committee of the House of Commons, was what the hon. gent. should have referred to. And what was that evidence? When Dr. Heberden was asked, "What was the length of the period which he assigned for his Majesty's recovery?" he replied, "that he could not fix any precise limit, but that in his Majesty's last illness, he had been called in on the 12th of February; that his Majesty's first presence in council was on the 23d of April following; and that he expected his Majesty's present case would follow nearly the same course." Why did not the hon. gent. refer to this evidence? Because Dr. Heberden went on to explain, and to say, that although he limited the indisposition of his Majesty within the two periods which he had mentioned, he by no means meant to infer that his Majesty was during the whole of that time incompetent to business. When asked, if he recollected the date of the last bulletin that he signed? he replied in the negative; but that at the time he signed it, his Majesty was perfectly fit for business. What was done had been done after the examination of the physicians, and with the general concurrence of the cabinet. He insisted that the competence of his Majesty was at that time the same as the competence of any individual whatever could be; and the question was, whether, in such a state, an individual would not have been allowed to be perfectly competent to transact his own affairs. He made a comparison of dates of the several bulletins, which shewed that his Majesty was gradually recovering, and it was on a regular consultation, by the joint advice of all the physicians, that his Majesty was declared capable of transacting business; and, therefore, he knew that he was only acting conscientiously, when he, as one of his Majesty's ministers, gave his advice in favour of the measures which were then pursued. He was not in the habit of so often seeing his Majesty at

that time as some of the other ministers, but he perfectly well remembered having one interview with his Majesty which lasted for a considerable time: and he undertook to say that his Majesty appeared perfectly competent to the transaction of public business; that the state of his mind seemed perfectly correct; and he would go further, and declare, that at that period his Majesty appeared to him to be as fully competent to transact business, and to judge what was necessary for the service of the public, as many of those individuals whom the House saw and heard every day of their lives setting themselves up as patterns of statesmen and legislators, and imagining that they possessed an exclusive patent for all the talents, all the virtues, and all the honours of the state.

Sir *F. Burdett* did not know whether the right hon. gent. meant to include him among his would-be patterns of statesmen and legislators; but whatever censure his sentiments might occur on the part of that right hon. gent. neither that, nor any other consideration should ever induce him to withhold them. He had listened with attention to the very long and elaborate speech of the noble lord, from the whole of which he collected that all the noble lord wished was, to be put in a situation, in which he and his colleagues might have an opportunity of shewing their innocence. It would, therefore, be natural for him and for the House to suppose, that the noble lord and his colleagues would be glad to adopt the motion of the hon. gent. which would afford them so fair an occasion of doing so. Instead of this, however, the noble lord and the right hon. gent. had retorted upon the hon. gent. who brought forward the motion, and made a charge against him for having suffered the accusation to have lain so long dormant. This was a curious way of answering an argument: it was in fact no answer. The hon. gent. was not bound to bring it forward sooner, nor might it have been proper to have done so. It was well known how, at particular periods of time, men in certain situations were so surrounded and clothed with power, that to bring forward a question of this nature would be altogether nugatory. No space of time, however, should shelter men, who had official situations, and had committed political crimes, from being called to account for their delinquencies. But the fact was, that the circumstances which gave rise to this charge had not been long known; and although it might be a long time since th transactions under consideration took plac yet it now appeared clearly, that ministe did, when the king was ill, transact bus ness with him of that high and importa nature, which they ought not to have don —Whatever might have been the forme general notoriety of the transactions, was a new fact, that in 1804, ministers ha usurped the royal authority, and had dare to exercise the royal functions in his Ma jesty's name, at the time that there wer persons in the palace, under whose contro his Majesty was placed. He certainl would not say, that a slight bodily disorde or any disorder but such a malady of th mind as incapacitated the monarch fro performing the functions of his high offic should make it imperative to suspend th exercise of those functions; but when th royal mind was alienated and rendere unable to apply to the objects before it, i became high treason for ministers to allo the king to go on in the apparent exercis of the royal power, and to procure hi Majesty's signature to instruments expres sive of his will, when it was notorious tha the King had neither power nor a will o his own. In the statute book it was de clared, that the keeping of the King fro intercourse with his subjects; that th keeping of him under guard and restraint compelling him to act as those about hi directed, was a crime of the highest na ture. There could be no doubt that th lord high chancellor stood foremost i the general culpability of the government The noble lord had, however, generousl stepped forward to say, that he was equall responsible. It was a convenient doctrin to maintain, that no one of a cabinet wa responsible alone, but that all were respon sible together; for it was evidently no easy to punish a whole cabinet. Every great officer was responsible for the due execution of the duties belonging to hi office; and of all those great officers the lord chancellor was the most responsible because in him was vested the greatest power and discretion. Let the noble lord be satisfied with the responsibility which he would be found to have incurred when some of his own former acts should come to be inquired into. He would find that quite sufficient, without incurring a responsibility which did not particularly and especially bear upon him. What had fallen from the noble lord was wholly irrelevant. The simple fact was a fact which could not be contradicted, that the lord chancellor had put the great seal to an act, purporting to be an act of the King, when such persons as were resorted to alone, when force became necessary for the controul of an individual, were about his Majesty. If this was not undermining the royal authority, what was? It was telling the people, that the government could go on as well without the king as with him. No man who thought that the kingly office, as established by law, was necessary to the integrity of the constitution, would allow the sceptre to be made a tool of in such hands with impunity. He was persuaded that those who had been guilty of the acts, which he had described, had committed high crimes and misdemeanors against the constitution, and he should therefore heartily support the motion.

Lord *Castlereagh* rose to explain: the hon. bart. had made allusions to him as a person sufficiently oppressed with the weight of personal responsibility. He had only to ask of that hon. baronet to prefer against him any charge which he thought worthy the attention of the House. He would meet it fairly, and he hoped the hon. baronet would bring it forward in the same open, candid, and manly manner, as the hon. gentleman who brought forward the present motion was accustomed to prefer his charges. One thing he must take the liberty to add, and that was, that he trusted the hon. baronet would confine his attacks to those places where he could answer them, and not where he could have no opportunity of defending himself.

Sir *F. Burdett* replied, that at all times, and in all places, he should state his genuine opinions of the noble lord's public conduct, according to the dictates of his own discretion.

The question was here loudly called for, and strangers were withdrawing, when

Mr. *Whitbread* rose to reply. He said that as the House was on the point of dividing, he presumed that there was no gentleman present who intended to offer himself. If there was, he now called upon him to rise, and he should most cheerfully give way; if there was not, he should proceed to reply to the little which had been said, premising at the same time that it would not be fair towards him in any gentleman who intended speaking, not to speak now, but wait till he had concluded. He had waited a considerable time in deference to the feeling of two individuals more nearly connected with one of the noble lords (Sidmouth), and he had waited for some time in respect to the feelings of that hon. gentleman, who certainly was present, yet who had been marvellously silent.

Mr. *Bathurst* did not think that any hon. member had a right thus to allude to private matters no way connected with the business before the House. If, however, the hon. gentleman wanted a reason from him why he did not speak, he frankly owned it as his reason, that did he speak for an hour, he could not add one word to the able speech delivered by the noble lord.

Mr. *Whitbread* then said, that as the House were not likely to have the benefit of that hon. gentleman's powers, he should now proceed at once to reply very briefly to what had been advanced; and, in the first place, he contended, that not one of his assertions had been contradicted. He had stated nothing but facts, and nothing of all he had asserted as facts, had been attempted to be contradicted. He had, indeed, waited for the attendance of the right hon. gent. (Mr. Bathurst), and it was most true that he had attended; that he had, according to his own shewing, heard the best defence that could be offered in behalf of his noble relative; and though that defence did not attempt to question the truth of any one of the facts he had urged, yet the right hon. gent. had thought it prudent and discreet to give a silent vote upon such a question. The case (said Mr. Whitbread) is before the House. I rest it upon a statement of facts, and that statement is not attempted to be controverted; the alledged facts are not disputed by that noble lord, to whose speech, in the opinion of the right hon. gent. nothing can be added in behalf of the persons implicated. To the noble lord, for his abundant personal civility, and still more for the very liberal credit he seems disposed to give to my motives, I have to return my thanks; but if justice requires me to pay this tribute to the liberality and ingenuousness of the noble lord, it exacts from me a very marked distinction between the embarrassing kindness of the noble lord and the frank hostility of the right hon. gent. (Mr. Yorke). I certainly cannot charge him with too much liberality in construing my motives; but I crave nothing considerate or favourable of the right hon. gentleman. He may continue to think of me as he pleases, while I shall endeavour to console myself under the consciousness of honest intentions.

With respect to the noble lord, I must again say, what I have said before so often, that really that noble lord is at times quite merciless in his kindness. He meets a political antagonist in a way so polished and so gentlemanly as to disarm his adversary of the ordinary means of defence. I confess the right hon. gent. (Mr. Yorke) cannot justly be made the subject of a similar charge. He does not embarrass one with the mild civilities of his air and manner. He comes upon you, in his own direct way, which though perhaps not more conclusive than that of the noble lord, is certainly much more bouncing (a laugh!).—However, they had both agreed in one point, that as the hair of lord Eldon's head ought not to be touched without subjecting their own hair to similar infliction, it was wisest and best to vote in the first instance, that there should be no inquiry at all. The noble lord, indeed, had ridiculed the idea of ministerial influence regulating the conduct of parliament at that time. No doubt it was a most extravagant notion, but the noble lord could not pretend to the influence of his right hon. friend now in power.—I cannot pretend to say, observed Mr. Whitbread, what that influence may be, but the right hon. gent. is fully competent to decide upon the growth and extent of it; for it did happen, that in other times the right hon. gent. thought fifty too small a majority to keep him in power, but now ten or a dozen majority against ministers are too few to turn him out.—What had been said about pattern legislators, and so on, may be very pointed and good, when we come to find the application. The gentleman meant, perhaps, to say something against somebody, but as I am utterly ignorant of what it may refer to, perhaps I should not err very widely in attributing it altogether to that bouncing manner to which I have before alluded, that sort of air that will attempt to make weak things strong, by speaking them in a strong way. The mistake may not be peculiar to the right hon. gent. but I recollect when he was one of the ministers in 1804: his tone to-night reminded me of what he was then under certain circumstances of provocation—and, indeed, those circumstances were rather irritating. There was Mr. Addington at the head of the government: and really the poor man was much to be pitied: night after night he had to answer Mr. Fox, and to be answered by Mr. Pitt! Need I say more? what could the poor man do thus placed between two such grinding stones. Still, however, was the tone of the right hon. gent. (Mr. Yorke) unsubdued, and he bounced about with as much energy and as much effect as he has done to night. And it was of this government that the noble lord had said that Mr. Pitt had not at that period distinguished it with peculiar marks of his confidence. Confidence! really the noble lord has such an inverted mode of disguising things by words, that one would suppose the greatest possible favour which could be conferred on the noble lord would be actually kicking him out of office [a laugh.] The noble lord had argued that if the government had not acted as it then did, they would have been the most miserable creatures; but so were they charged by Mr. Pitt to be. He did not mince his meaning. He thought them very miserable men; men miserably deficient in the conduct of the affairs of this country, and men who consequently ought to be removed from the conduct of them. This was Mr. Pitt's opinion, and he acted upon it, for he left no effort untried till he succeeded in driving them from the helm.—But much has been said upon the presumed competency of the King at the time alluded to in the present charge against the lord chancellor, to transact business as well as any individual; on the contrary, he would undertake to say, that any act of any individual under such circumstances would have been set aside.

He had been accused by the right hon. gent. of not doing his duty, in suffering this charge to have lain seven years dormant without bringing it forward. But he would beg the House to recollect, that when lord Eldon told the other House, in 1804, that the King was well, Dr. Simmons was at that moment in attendance on the royal person. The House, however, did not know it, nor had he the least idea of it. The right hon. gent. had adverted to his conduct on various committees. He had been on several committees with that right hon. gent. and generally found an opponent in him. It was asked, why he did not cross-examine the physicians before the committee; his answer was, why did not the noble lord and the right hon. gent. suffer him to do so. Why, when he attempted it, was he out voted? He wished to do it, and tried to do it. Let him now only have an opportunity of cross-examining the physicians before the House or before a committee, and he would pledge himself to make out satisfactorily the whole of his charge. The noble lord seemed to lay great stress on the evidence of Dr. Heberden before that House. He did not attach so much to it, for it was in some places rather contradictory, and no doctor could pronounce exactly upon every case. But if any private gentleman had been under such circumstances as his Majesty was in 1804, and that private gentleman had made his will, with doctors Simmons and Willis attending him at the time, that will would assuredly be set aside; aye, and even by the same lord chancellor, baron Eldon, if it were brought before him. Dr. Heberden then, it appeared, told the ministers they must be cautious how they touched on delicate points. The noble lord had indeed said, that the country was at that time in danger of invasion, and, therefore, it was necessary that his Majesty's ministers should not suffer the affairs of the state to remain at a stand. It appeared the King was well enough to talk of his private affairs, of the duke of York's Estate Bill, and of other matters of trivial moment; but, touch on the affairs of his kingdom, and he was immediately thrown into a state of violent mental derangement. The noble lord had talked of his Majesty's disorder not being the same in 1801 and 1804; but to whom had his Majesty been committed in both these cases?—to Dr. Willis in the former year, and to Dr. Simmons and his attendants in the latter. The noble lord, however, had said, that every person in a cold or a fever must be under a certain degree of control: he admitted they must, but it was not such a control as that of Drs. Willis and Simmons, and of their attendants. The fact was, the King had not been treated with the tenderness he ought to have experienced. He had been frequently brought forward in council, for the purpose of assenting to particular measures, which greatly affected and agitated his mind. He had several times sat in council in the morning, and been in a state of strict coercion in the evening. He had been taken from his family, and placed in other hands. When, in the early part of the Regency Bill, he (Mr. W.) had asked, who had the custody of the King, the right hon. the chancellor of the exchequer replied, that when that affair was fairly before the House, he would answer the question. That, however, he had not yet done.

He had been asked, as he before said, why he had not brought this forward before; his answer was, that he did not know the King was under such control as it now appeared he was at that time. To this the noble lord replied, would you have all public business stopped? Would you have the Mutiny Act unpassed, and every thing run into confusion? According to this doctrine, whenever the King was in a stage of mental derangement, though parliament be sitting, ministers may refuse to make any provision for a similar misfortune, and perform all the acts of the executive government themselves; because, say they, the king has responsible advisers, and afterwards these advisers come to the House, and use all their influence to persuade it to vote against their responsibility. "The great question for the House then to decide," added Mr. Whitbread, "is, whether the King was not in the year 1804, at the period to which I allude, in such a state of mental infirmity, that if a private individual he could not have legally done any act affecting his property or personal rights. It is contended on the other side, I know, that the King's competence to do any act of state was perfect on all those occasions, when he was called upon for the personal exercise of his royal functions. But this I deny; and I am willing to come to the test upon that single point. How is this to be decided? by the papers I call for. You say that he was as competent as any private individual, whose restoration had been legally recognized. I challenge you to the proof of that; I affirm, without fear of contradiction, that had the King at that period been tried as a private subject, the lord high chancellor, whom I now accuse, would have pronounced him incompetent for business. [Here the chancellor of the exchequer signified his dissent].—The right hon. gent. may toss his head; but this is all that he can do.—If he could have done more, we should have heard him—as speak he must, for whom has he to speak with him. It has been figuratively said, and truly I believe, that the blind, the halt, and the lame, have been enlisted by the right hon. gent. in his service; but it appears, that his choice took in the dumb also. His right hon. colleagues were dumb, from the old reason that they could say nothing upon any subject, and the right hon. (the chancellor of the exchequer) can be dumb, only because it is a subject upon which nothing can be said: for surely, if any thing could be said, that right hon. gent.

could do it." Mr. Whitbread concluded with putting it to the House, that if the King should shortly recover and again unfortunately relapse, where were the provisions for the integrity of the executive power, if the conduct of the ministers in 1804 was to be sanctioned? But if that conduct was thought unworthy of that sanction; if it was not to be excused; he called upon the House to say how they could, consistently with their duty to their country, negative his proposition.

The House then divided—Ayes 81, Noes 198. Majority against the motion 117.

HOUSE OF COMMONS.

Tuesday, February 26.

MOTION RESPECTING CORPORAL CURTIS.]—Mr. *Wardle* rose, pursuant to notice, for the purpose of calling the attention of the House to the case of corporal Curtis, of the Oxfordshire militia. Before he entered into the merits of the case of this poor man, he wished to state, that he had never seen him, nor had any communication whatever with him. The officers composing the general court-martial were wholly unknown to him, with the exception of the president, whom he knew merely by name. At the same time, he must do justice to the character of the colonel of the Oxfordshire militia (colonel Gore Langton.) No man stood higher, both in a public and private point of view. He was therefore bound to state, when he mentioned the name of the hon. member as implicated in the complaint, that he must have been grossly deceived with respect to the conduct of corporal Curtis. This poor man was ill in the Isle of Wight, and wishing to see him upon the subject of his complaint, he (Mr. Wardle) had gone down to Portsmouth, but the wind blew so hard that he could not cross over to the Island. Being obliged to return to town the next day, he left a friend there whom he desired to wait upon general Taylor, and inform him, that he came at the desire of Mr. Wardle to speak to Robert Curtis. He saw the general, who peremptorily refused to let him have access to Curtis, unless he had brought with him the authority of the Commander in Chief; and the general added, that if even he (Mr. Wardle), had requested to see him, he should have given him a refusal. In this state of things he had applied to the Commander in Chief, and several letters passed on the occasion; th result was, that he found there was n chance of seeing Curtis, unless he chose t give up the facts he had obtained respecting the proceedings. Having reasons fo wishing to conceal those facts, which reasons he would now state to the House, h abstained from disclosing them to th Commander in Chief. As a member o parliament he conceived that he had right to visit Curtis without assigning hi motives. However, be that as it might the reasons which induced him to declin stating the facts to the Commander i Chief, were, that two of the witnesse had been forced out of the country. Th refusal of general Taylor placed Curtis i a worse situation than a condemned felon for the latter had the liberty of seeing hi friends.

The hon. gent. then proceeded to stat the case of Curtis. He was the son of respectable parents, but was induced, in th year 1808, to enter into the Oxfordshir militia for a large bounty. In 1810, h was a corporal in the regiment, and clerk to the paymaster. On the 23d o June, in the last year, he made complaint to his colonel of abuses in the regiment He complained, 1st, that an order fo giving the men three pair of shoes in tw years had not been executed; and 2dly he complained of the improper detentio of pay from the men, under the pretenc of stoppages on account of some article of clothing (or regimental breeches) whic had never been delivered. These stoppages had been for five months, and th clothing was not given. The stoppage for these five months had no other authority but the verbal order of the lieut.-colonel. He believed it was a thing almost unprecedented, that a whole regiment should be under stoppages for articles which government were to furnish At the end of eight months the only excuse for not giving the clothing was, tha the men did not want them. The 106t clause of the Mutiny Act expressly stated "That if any paymaster, agent or clerk should unlawfully detain or withhold an pay due to the regiment for more tha one month; or if any officer, having received the pay, should retain it in his ow hands, such officer, on being found guilt thereof by a court-martial, should, besides what other punishment the court martial should inflict, pay a penalty 100*l*. to the informer, who, if a soldier, wa also to be entitled to his discharge." Th ause was quite explicit, and did not eave the colonel or the general of the dis-ict any discretion upon the subject. He ad received an account of what had hap-ened from a gentleman who was intro-uced to the general court-martial, for e purpose of taking the depositions, and ho was ready to verify the same at the ar of that House, or any where else. It ppeared from those depositions, that hen corporal Curtis first made his com-laint, the colonel was excessively angry nd threatened to try him for mutiny; to hich Curtis replied, that as he came up lone to make his complaint, he could not e tried for mutiny. On the 23d of June, e attended the colonel and lieutenant-olonel, and the book of orders being pro-luced, he was called upon to shew the rder with respect to the shoes or the reeches. As he knew nothing of their ooks or the manner of keeping them, he vas unable to do this. On the 26th, he vas confined for improper conduct in aving been seen in brown clothes, at a nile distance from head-quarters. For his offence, he was by the sentence of a ourt-martial reduced to the ranks. It ppeared, however, that he was the clerk o the paymaster, and in that capacity had een accustomed to wear coloured clothes. As to his being a mile from the head-quarters, he was returning from the post-office, where he had just put in a letter to lord C. Somerset, the lieutenant-general commanding the district. In this letter, he stated that he had a complaint to make against the quarter-master for improper detention of pay, and that he had stated it to his colonel, who refused to give him satisfaction. He stated further, that he wished to take the advantage of the 106th clause of the Mutiny Act. It appeared to him (Mr. Wardle) that this statement was not improper, as the colonel had not given Curtis the opportunity of proving his complaints before a court-martial, as he was entitled to do. This letter was sent by lord C. Somerset to the colonel of the regiment. The colonel, in answer to it, said that he was not aware that any charges could be made out against the quarter-master; and that as to the breeches, the men were aware that they were ready to be delivered, but that they did not then want them. He also stated, that Curtis came up to him in a very improper manner to make his complaint. The fact, however, turned out to be, that the breeches were not ready for delivery at that time, nor even so late as July. As to the impropriety of the manner in which Curtis made his complaint, the colonel was walking on the drill-ground, when he came up and mentioned it to him. In the case of Governor Wall, the lord chief justice was of opinion, that the man who died of the punishment he received in Africa, had done no more than he had an undoubted right to do, in complaining to his officers of a detention of pay; and it then appeared to the lord chief justice, that if a colonel was to check such complaints, it would have the appearance of his being a partaker in the plunder. Curtis had made his complaint regularly to his colonel and his general. His colonel was applied to by him to try these charges by a general court-martial instead of a regimental court-martial, but he refused. In a regimental court-martial, it was well known that the officers were more connected with each other than they were in regular regiments, and this might produce a sort of bias. (No! no! from the ministerial bench). That they were more connected was evident, and there was no accounting for feelings on such a subject. A general court-martial, on the other hand, was composed of men who were chiefly strangers to each other, and therefore it was a court which appeared more suitable for trying charges against an officer. The prisoner was refused the usual intercourse with his witnesses and with his counsel, previous to the trial; and even a great coat which he before had was taken from him, and he was obliged to lie on the bare boards. Two other privates, Bellis and Reeve, also gave a statement of other abuses, but the colonel said he would take care of them too. They were brought before a court-martial, and threw themselves on the mercy of the court. They were sentenced to 500 lashes, which was remitted on their volunteering for foreign service. It appeared that at the time of the trial of Curtis, the quarter-master, serjeant Fox, publicly threatened and endeavoured to intimidate the witnesses of corporal Curtis; and on the steps of the court publicly swore, that Curtis was a d—d rascal, and so was every one who took his part. Another serjeant publicly held out the expectation of twenty guineas and their discharge to any soldier that would prove that Curtis had spoken disrespectfully of his colonel. The charges were, first, for endeavouring to excite discontent and mutiny in the regiment: of this charge he could not find a single tittle of evidence. The next was that of his having spoke disrespectfully of his colonel: it must, however, be allowed, that if he had spoken improperly of his colonel, his mind was under considerable irritation at the time. He considered that he had been refused the satisfaction to which the military law entitled him. He had conceived himself to be entitled to 100*l.* and his discharge. For these charges he was sentenced to receive 1000 lashes. The language, however, he had used concerning his commanding officer, was not a thousandth part as bad as what had been said of his commanding officer by a gallant admiral (sir Eliab Harvey) who had since been restored to the service. He thought some similar allowance ought to be made in the present case.

It was in the recollection of all, that some German soldiers had been taken in the act of desertion, having stolen a boat for the purpose of going over to the enemy. They were taken and tried: but were they sentenced to be flogged? No! he believed they never did, nor never dared to put a lash on the backs of German soldiers; and he saw no reason why British soldiers alone should be exposed to that severity. It was on the 5th of August that Curtis received his punishment. He was at that time so sick and weak, that he was obliged to be supported while they tied him to the halberts. During his punishment he fell into frequent fainting fits; and having received 200 lashes, he got his election either to take the remaining 800 lashes, or to rot in the West Indies. He, of course, preferred the latter. Although he had only received a fifth of his punishment, he was confined from it in the hospital, from the 5th of August to the 14th of November. The hon. gent. then read a letter from Curtis, written 12 days after the flogging, wherein he mentioned, that "he would have been very glad if he had been able to bear the remaining 800 lashes, instead of being sent to the West Indies, but the 200 had been administered with such extraordinary severity, that it was not possible for him to bear more. His back was one complete sheet of corrupted matter, which drew from him all his strength, and made him almost unable to stand." Having stated thus much, he thought it was unnecessary to detain the House with many observations. He trusted, that if the House would grant him a committee, he should be able to substantiate by proof those facts which he had stated. He concluded by moving, "That a Committee be appointed to inquire into the facts stated respecting Robert Curtis, late a Corporal in the Oxfordshire Militia."

Colonel *Gore Langton,* conscious of the necessity of a strict observance of military duty in an officer who, like himself, had the honour to command a regiment, assured the House that he was ready to meet any inquiry that might be instituted on this subject. He was firmly persuaded that had not corporal Robert Curtis been tried and punished by a general court martial, many unfortunate men of the Oxfordshire militia would have been led to commit acts of the most serious insubordination. Gracious God! at such a crisis as the present, when the blessings which we enjoy, when our very existence as a nation, depended so materially on the attachment of our soldiers to their officers, was this the precise time for bringing forward a motion of a nature, he believed on his soul, inevitably tending to sap the foundation of the discipline of the army! He repeated, that he was ready to meet any charge that could be brought forward on the subject, convinced, as he was, that the more the transaction was inquired into, the more apparent would be the rectitude and good conduct of the Oxfordshire regiment. He read a deposition of the soldiers on guard, distinctly denying that they had been bribed, or even desired by their officers to notice Curtis's conduct, with a view to criminate him; as also an acknowledgment by Curtis himself of his many offences, and of his wish to be allowed to enter the regular courses. He had been thirty-two years in the Oxfordshire regiment, and he could safely lay his hand on his heart and say, that he never refused attention to the just complaints of a soldier. He had given corporal Curtis every satisfaction in his power. When Curtis made the representation to him respecting the shoes, he (colonel L.) shewed him the regulation, which was as clear as day; namely, that three pair should be allowed in two years, and not two pair a year. It was true, as asserted by the hon. gent. that when the book was shewn to corporal Curtis, that he might point out the particular regulation to which he referred, he could not do so; but it was for this plain reason, that no such regulation existed; and with respect to the article of breeches, it was a fact, that at the very time when the man made e representation relative to them, he vore the breeches which he complained vere withheld. Yet it was on the state- ients of such a person that it was attempt- d to impeach the honour and character f so many respectable individuals. He vould say no more, but would sit down, aving done his duty to the best of his ower. He had had the honour of a seat that House for 16 years, and had never efore intruded on the attention of the hair ; nor should he have done so now, ut for the very extraordinary observations hich had been made by the hon. mover f the present question.

Mr. *Manners Sutton* (Judge Advocate) vas of opinion, that unless the hon. gent. ad made out a sufficient case, the House ught not to agree to the motion. There vere some passages in the hon. gentleman's peech, in which the facts were so com- letely mistated, that he should be sorry allow the question to go to a vote with- ut commenting upon them, notwithstand- ng the strong impression which had evi- ently been made upon the House, by e observations of his hon. friend who ad just sat down. He would therefore ate shortly to the House the occurrences onnected with the two courts-martial, hich the hon. gent. was anxious to bring to discussion. The transaction origi- ated on the 23d of June, when Curtis ade to his Colonel a complaint respecting wo distinct articles—shoes and breeches. s to the case of shoes, he was persuaded hat the hon. mover had not made any in- uiry into the subject, or else that he would ave received better information. It was lear, as his hon. friend had said, that by e regulations each soldier was entitled to hree pair of shoes in two years; and as the case of 1804, referred to by Curtis, which year the regiment did certainly eceive two pair of shoes a man ; this was wing to the transfer of the Supplementary ilitia into the Regular Militia; the men eing entitled to one pair as the supple- entary, and to one pair as the regular. t being found, however, that one pair was ufficient, a commutation took place, and ach man was allowed five shillings, which vent to pay for those necessaries which ould otherwise have been provided for y stoppages. The case of the breeches vas as clear. One pair was provided by overnment ; and the stoppage of 18*d.* a onth was for the purpose of purchasing ecessaries; under which term an addi- onal pair of breeches was included. If this additional pair were found unnecessary, the stoppages were returned. But the hon. mover expressed his surprise that the stoppages took place before the breeches were wanted. The reason of this was, that they were contrived to coincide with the period when long furloughs were granted, and when therefore it was easier for the men to make up their daily allowances than at a time when they were with the regiment. Whether this practice was judicious or not, he would not now stop to inquire ; but at least it was not liable to the imputation of severity or oppression. He would further state, that in his opinion, when Curtis quitted the colonel's room, he went away perfectly satisfied of his mistake with respect to the shoes, and satisfied also that an inquiry would be made as to the breeches. What was the issue of that inquiry? That Curtis had antecedently gone to the paymaster, and obtained his own breeches; that afterwards (in ignorance of this circumstance), the whole had been drawn for, but that Curtis's having before obtained his being found out, a third pair was refused him. Curtis, however, wrote to the general of the district that the colonel did not chuse to redress him. Was this a true representation of the case? This was on the 26th, and he had been with the colonel on the 25th. He knew that it was possible that a person might forget, on the 26th of a month, having seen another on the 25th of the same month (Hear, hear!) He knew it was possible that a person might forget having had any conversation with another on the preceding day. (Hear, hear!) But was it possible that this was the case with the man in question? The court, who were the best judges, thought not. The hon. gent. however, controverted the court's decision. He declared, that in his opinion the evidence was not sufficient to convict Curtis on the particular charge preferred against him. In this observation the hon. gent. seemed to forget the comparative disadvantage under which he laboured: he collected his information from written evidence; the court from parole evidence. The court were on their oaths; the hon. gent. only dealt out most gratuitous assertions. Curtis was brought to a regimental court-martial for wearing brown cloaths, and for being absent more than a mile from his quarters ; an offence which he committed on leaving the colonel's room on the 25th. The hon. gent. could

not have been so long in the army without knowing, that for such an offence the colonel of a regiment might reduce a non-commissioned officer to the ranks without any trial at all. By a regimental court-martial, however this man was tried, and by that court-martial he was sentenced to be reduced to the ranks. He then denied the jurisdiction of the court, and demanded to be tried by a general court-martial. It was worth considering that this demand of Curtis's, or this appeal, as the hon. gent. called it, was not an appeal which related in any way to the subject of clothing, but simply to the offence of having been absent from quarters. Subsequently to this period (about the 4th of July) charges were sent in to a general court-martial, and Curtis was brought before that court to be tried on them. It was true, as stated by the hon. gent. that Curtis (and that in a manner not at all decorous or respectful) expressed to the general court-martial a wish to be tried on his appeal from the judgment of the regimental court. The general court-martial, however, had not the power to try on any charges except on those upon which they were convened to determine. When the hon. gentleman was so inclined to throw out insinuations on all sides of him, it was fitting that the House should be informed, that not one of the members of the regimental court-martial sat upon the general court-martial. If the hon. gent. thought he had gained any credit in that House, or that he should gain any popularity in the country by intimating that the officers of the regimental court-martial might be so influenced by regard for the feelings of their colonel as to perjure themselves on that account, he felt obliged to inform him that, at least, that intimation could not apply to the members of the general court-martial. The hon. gent. had mentioned in a cursory way, and as a matter of little importance (doubtlessly he would not have mentioned it at all, had he not been aware that it would be stated by somebody), that he believed there was some little confusion in the course of the proceedings of that court. The fact was, that owing to the crowd in the court, composed of persons whom the hon. gent. might perhaps term respectable, but whom he should call a mob; the confusion and interruption were so great, that the acting deputy Judge Advocate wrote to him (Mr. Sutton) to ask what means should be used to protect the court from insult? The only answer that he could return was, th
it was the duty of the court to take ca
that their proceedings were not interrupted
and that if no other means were left the
for the preservation of order, they mu
resort to force: that they must comm
any military man who should be so in
discreet as to contribute to the disturbanc
and that they must send any other offen
ing individual, not of the profession, b
fore a magistrate, to be committed by th
magistrate, and to be subsequently indict
by the Judge Advocate. This was th
'trifling' circumstance which flashed acro
the hon. gentleman's mind, and which h
casually mentioned. With respect to th
conduct of Curtis, he was extremely sorr
to say, that the man had not conduct
himself as he ought, under the circum
stances in which he was placed. On n
being permitted to put an improper que
tion to a witness, he even went so far as
say, "That he saw that he could get n
justice in that court; that he would appe
to a court of law; and that he would bri
an action against the lieutenant-colonel f
false imprisonment." And yet if th
hon. gent. would refer to the first para
graph of the speech of Curtis to the cou
(for which he was indebted to the abili
of the short-hand writer), he would fin
that he entreated their pardon for the o
fence which he committed. Curtis w
found guilty, and as for the consequent se
tence of the court, he believed that fe
men—he believed that no man, exce
the hon. gent. would state, that on co
viction of such charges the punishme
ought to be lenient. The hon. gen
talked of the conduct of Curtis as that
a man writhing under the sense of grie
ances, and contended that on that accou
he ought not to have been treated wi
severity. But the House well knew th
danger to the very existence of the arm
which lurked in any attempt to excite di
satisfaction in a regiment, and would n
allow that any individual, convicted of
offence of such magnitude, ought to escap
on the plea of his writhing under th
sense of grievances which were imaginar
Under such circumstances, when the cou
came to a conclusion that the man w
guilty, they had but one course to pursu
Not being charged with mutiny, the o
fence was not capital; but the only speci
of punishment which the court was a
thorised to inflict was corporeal punish
ment. They had no alternative. H
would put it to the House to say, wheth

it was not for the court to admeasure the degree of punishment to the degree of guilt? In his opinion the court had exercised a sound discretion in visiting with a heavy punishment such an offence, attended with so many circumstances of aggravation. If the hon. gent. thought the punishment severe and unjustifiable, it must be because he thought that punishments of that description ought to be inflicted in no case. If this were the real opinion of the hon. gent. he was persuaded that the House would agree with him, that the best mode of altering the law was not by stating in parliament (and by consequence to the public) a string, not of facts, but of garbled assertions, many of which were totally void of foundation.—He would now make a few observations on that part of the hon. gentleman's speech which related to the communications which he had had with the commander in chief. The hon. gent. applied to the commander in chief, for permission to send a person to Curtis with some written questions (Mr. Wardle replied in the negative). He should be sorry to misrepresent the hon. gent., and therefore he would read the letter, which he happened to have in his pocket. [Mr. Sutton here read a letter from Mr. Wardle to sir David Dundas, stating that, in consequence of circumstances which he had heard relative to the case of Curtis, he went to Portsmouth, for the purpose of going over to the Isle of Wight to see Curtis, who was confined in the deep-hole there; but that the badness of the weather prevented him from crossing, and that on the next day his parliamentary duty compelled him to return to town. That on the following day a gentleman, at his request, went with written questions to Curtis, &c.] He trusted that the hon. gent. was convinced that he had not misrepresented him. The answer of the commander in chief was, that he should be extremely obliged to the hon. gent. to state what the circumstances were to which he alluded, as it was the duty of the commander in chief to inquire into, and, if wrong, to redress them. The hon. gent., in reply, refused to state those circumstances; declared that he would bring forward the subject in parliament, and frankly expressed his expectation that in the interval the commander in chief would receive from him, as a member of parliament, directions how to proceed. The hon. gent. concluded one of his letters on this subject, by saying he was convinced that the course which he intended to pursue, would be beneficial to the military service. He believed it was not usual in that House to express a doubt with respect to the goodness of the motives of any hon. gent.; but if such were the motives of the hon. mover, the deficiency of his judgment and the danger of his means were much to be lamented. Could the hon. gent. induce any one to believe—could he induce even himself to believe, that the interests of the military service were likely to be promoted by encouraging those whose avowed and convicted object it was to endeavour to disseminate dissatisfaction in that service? Could the hon. gent. induce himself to believe that he was promoting the military service by throwing out loose charges against the officers of the regiment; against the officers of a district; against the commander in chief; against all whose painful duty it was to execute the law? If these were the hon. gent.'s sentiments, he did not envy him. The House of Commons had been accustomed to think that, excepting in very strong cases indeed, it was not their province to interfere with military matters; but the hon. gent. assuming a sort of roving commission, proceeded without scruple to investigate the official duties of the commander in chief, and even went to the extent of using threats and intimidations to effect his purpose. Before he sat down he would say a few words respecting two men mentioned by the hon. gent.—Bellis and Reeve. The hon. gent. chose to declare that these persons were forced out of the country on account of the evidence they had given in Curtis's favour. The fact was, that when examined on that case, they produced written charges themselves; and then the hon. gent. expressed his astonishment that the Court did not proceed to an inquiry, which was out of the limits of their power, as for that inquiry they were not convened. The colonel, however, inquired into the truth of these charges, and furthermore, a district court-martial was held upon them; the consequence of which was, that these two men were convicted of malicious intentions, and sentenced to receive 500 lashes each, a sentence which was afterwards commuted for foreign service; and this was what the hon. gent. called forcing these persons out of the country on account of the evidence which they had given in the case of Curtis!

With respect to the question which the court would not permit Curtis to put, he had sufficient means of knowing what it was—Curtis wished to ask Bellis whether some other man (who had not been examined, nor was to be examined in the case), had not said something or other? The court very properly declared that they could not permit such a question to be put, respecting a third person who had not been examined before them, and who was not to be examined. That case, however, was afterwards inquired into. A regimental court-martial sat on the serjeant alluded to; he was found guilty, and was reduced to the ranks.—If ever there was a case which, from the beginning to the end, would bear the closest sifting, it was that which the hon. mover had selected for the purpose of proving the misconduct of courts-martial, and the grievances of the soldiery. The hon. advocate general concluded by expressing his gratitude to the House for the patience with which they had attended to him.

Sir *Francis Burdett* observed, that if the hon. and learned gent. would be advocate, judge, and witnesss in the same cause, as the hon. and learned gentleman, who had just spoken, appeared to be, it could not be surprising that he should carry every thing before him by the force of his own assertion. This, without meaning any disrespect to that hon. and learned gentleman, seemed to him to be precisely his situation. To the facts stated by the hon. gentleman who brought forward this motion, which were represented as founded only in assertion, the hon. and learned gentleman had replied only by assertions. So that in this respect, both that hon. and learned gentleman and the hon. member who made the motion, were placed exactly on the same ground, with this exception, that the latter undertook to prove and make good all his assertions. It had been said, indeed, that what had been stated by the hon. mover, was not founded in fact; but how could that be known, unless he was to be at liberty to prove the correctness of his statements? By the reasoning of the hon. and learned gentleman, all was to be taken for granted which was asserted on his part, whilst every thing was to be questioned which was advanced by the other hon. member. With respect to the hon. colonel who had been adverted to (colonel G. Langton), he would be the last man whom he should suspect of being guilty of the oppression, or of the other charges implicated in this case. But, as far as he could collect from the statement of the hon. gentleman, the charges were directed not so much against the colonel or the lieutenant-colonel, as against the quarter-master of the Oxfordshire regiment. It appeared to him, however, that when charges were preferred by corporal Curtis against a commissioned officer, the colonel had no discretion, but to grant it. When this was refused, it was natural for the man to say that he had not justice done him. The next step was the appeal made to the commander of the district, which had been represented as mutiny. How an appeal to a superior officer could be construed into an act of mutiny, he was at a loss to conceive. When Curtis had preferred his charges, and thought he was to go to trial for having made them, he found he was to be tried for another offence. The being absent in coloured clothes more than a mile from quarters might be a military offence, but as not only corporal Curtis but all the men in the regiment were in the habit of going to Arundel, it was not to be expected by him that he should be tried for such an offence. This seemed to him to be a mere trick. What was the consequence? He was deprived of his appeal to a general court-martial, which he would have had if his charges had been tried. He believed from the statement, that the general, in refusing the court-martial on the charges preferred by this man, had been guilty of a breach of the articles of war. As to the severity of the punishment and the cruelty of its nature, though fit topics to be discussed on another opportunity, they formed no part of the question under discussion, and it would be unfair to make them a part of this case. He, however, knew of no law, human or divine, that authorised the infliction of a punishment which human nature was unable to bear. It appeared in this case, that twelve days after one-fifth of the punishment had been inflicted, the individual was scarcely able to stand. It had been objected to the hon. member that he had dealt in insinuations: but it appeared to him, on the contrary, that the hon. and learned gentleman opposite had thrown out some heavy insinuations against the hon. mover of this question. It was strange, that, when it was admitted that there was no objection that this matter should be sifted to the bottom, the hon. gentleman should not be allowed to go into the proof. Under these circumstances he could not content himself with giving a silent vote, after the unfair treatment which the hon. gentleman had received. The hon. gentleman, too, had said, that the individual had undergone a series of cruelties, that many of the witnesses had been tampered with, and others intimidated, and these facts he offered to prove. Such a statement was not to be met by a laugh, or aspersions on the character of the individual who made it. It had been said, that this proceeding was likely to create discontent in the army; but what discontent could be excited if the statement were not true, and proved not to be well founded? Would it not be a satisfaction to men, placed in the glorious and honourable situation in which British soldiers were now placed, to know that if they suffered any grievance, there was one place at least to which they could look with confidence for justice? Upon all these considerations, he should vote for the inquiry.

Lord *Charles Somerset*, as the hon. member had charged him, as general of the district, with a breach of the articles of war, felt it necessary to trouble the House with a very few words. There was one part, and only one part of the statement of that hon. gent. in which he concurred, namely, that in which he bestowed praise on the hon. colonel of the Oxfordshire regiment. It did not, perhaps, become him to say what he felt on that occasion relative to that hon. officer, but he must remark, that the hon. gent. could not say too much of him, as he was as zealous, correct, attentive, and humane an officer as any in the service. This opinion he had expressed in the general orders as strongly as he could, both with respect to the colonel and lieut.-colonel of that regiment. The hon. gent. had accused him of not having listened to the appeal of corporal Curtis; he certainly had not listened to that appeal, because that person had not a right to make it. The article of war (which the noble lord here read) took away the appeal from a person found guilty of a military offence by a regimental court-martial. The general court-martial was for the trial of heinous offences, the regimental for petty offences. When the person, whose case was referred to was charged with a heinous offence, he appointed a general court-martial, but at the same time took care that no officer who had served on the regimental court-martial, indeed that no officer of the regiment should serve upon the general court. He trusted, after what he had stated, that the House would consider him clear of the charge of having committed a breach of the articles of war. As to this man, he believes he went away from his colonel on the 25th of April, perfectly satisfied that his complaint was unfounded. On that day he signed his return, "all well." In the following May, major-general Houston proceeded on his half-yearly inspection through the district. It was part of his duty to ask, whether any individual in the regiments inspected had any complaints to make. This duty he knew was performed by that officer, and not a word of complaint was heard from any individual in the Oxfordshire regiment. As to what had been said about Bellis and Reeve having been forced out of the country, he should only say, that there was no foundation for the charge. When their conduct was known, he did not order a court-martial. He directed the major-general to inquire into the circumstances, and on his report had brought the men to a court-martial. With respect to the treatment of the man in prison, he had certainly ordered the mob, for mob he would call them, not to be admitted to him: but he at the same time directed that his friends and witnesses should have free access to him, and that he should be allowed the use of pen, ink, and paper. But to shew more clearly with what indulgence and lénience he had been treated, he need only say, that on the 8th of July, the mob having entered into a subscription to enable him to employ counsel, he applied to the court for time to procure counsel, when the court adjourned to one o'clock: and on it's being re-assembled, the judge advocate offered to the counsel the proceedings for his perusal. The hon. baronet had said, that the man was entrapped into a trial for one offence, when he was prepared to expect the trial for another. The fact was, that on the 4th of July a list of the charges had been given to the prisoner; on the 6th the court met, when he was called upon for a list of his witnesses; and even on the 7th and 8th he called fresh witnesses. With respect to the charge of intimidation of witnesses by serjeant Cox, as stated by the hon. gent. if any such thing had taken place, it must have been mentioned in the defence; and yet not one word was said of it on the trial. If there was any thing to be remedied, the commander in chief had offered to have the matter inquired into. The course proposed by the hon. member was therefore not the only means of investigation. He returned thanks to the House for its attention, and should vote against the motion.

Mr. *Lockhart* knew both the unfortunate man and his father, they being both his constituents. The impression upon the mind of this man's family was not that he had been treated with severity He had received a letter from the father of the man, begging him to apply, not for a revision of his sentence, but for mercy. He had written upon the subject to the dukes of Kent and Cumberland, and made application to the magistrates, who humanely exerted themselves to obtain the execution of justice in mercy. The father of this man knew nothing of the motion of the hon. gent. The speech of the hon. gent. was deserving of the severest criticism. If popularity was the object of the hon. member, he would recommend to him to court it by other means, by means which, as lord Mansfield well observed, would make popularity follow him, instead of his pursuing popularity.

The *Chancellor of the Exchequer*, after the extremely able manner in which his hon. and learned friend near him had acquitted himself, in the clear and explicit statement which he had made to the House, should not think it necessary to obtrude himself long upon their attention. There was only one part of the subject in which his hon. and learned friend had been deficient. His hon. and learned friend had failed in doing that full justice which was due to the conduct of sir David Dundas, and to the manner in which the hon. gent. abstained from any notice of that conduct. It was impossible for him to suppose that the hon. gent. sought out this subject for the purpose of making mischievous and inflammatory harangues. In justice to that hon. gentleman, he was bound to suppose, that having received information of facts which he conceived were founded in injustice, he was desirous of obtaining redress for the oppressed individual. Now, the House of Commons had explicitly declared by its usage, that all such questions of a military nature should not be discussed within its walls, unless justice were departed from elsewhere. Under the impression of this sentiment, he would trespass on the patience of the House, while he apprised them of the opportunities which the hon. gent. had enjoyed from the commander in chief, of laying the case before him, and of the temper with which his representations had been received by sir D. Dundas. It was due to the character of sir D. Dundas, and to the army, that the public should be informed of his disposition to listen to complaint, let it proceed from whatever quarter it might.

The Chancellor of the Exchequer here read the correspondence which passed between Mr. Wardle and sir D. Dundas, of which the following are extracts. The hon. gent. began the correspondence with a letter, stating, "That having received information of some extraordinary circumstances attending the trial of corporal Curtis, he had made an ineffectual attempt to go to the Isle of Wight to see him; that he confidently hoped the man would not be sent out of the country, and out of the protection of the laws, before he had an opportunity of investigating his case." To this the commander in chief replied by his secretary, "That he was not aware of any irregularity in the trial of Curtis, but that he desired the hon. gent. to put him in possession of those circumstances, that he might take the steps which that information might render necessary." The hon gent. answered "That this was any thing but a reply to his letter, and he begged to know whether it was meant to refuse or comply with his request." Not at all irritated by the tone of the hon. gent. sir David Dundas instructed his secretary to inform him, "That the commander in chief was always anxious to receive information which might operate favourably for persons placed in the unfortunate situation of corporal Curtis; but that he should not consider himself justified in granting the suspension required by the hon. gent. unless the grounds of that application were distinctly specified." This produced another letter from the hon. gent. in which he expresses an opinion which, if it were to become general, would convert the most free country of the universe to one of the most intolerable tyranny. This opinion was contained in the paragraph, "That it was hardly necessary for the hon. gent. to remind the commander in chief that he was not to be considered in the light of a common individual, but as a member of that body, by virtue of whose vote soldiers were raised and paid, and whose duty therefore it was to watch over their interest." If the hon. gent. had a right, as a member of that House, to erect himself into a walking committee and to xamine inquisitorially into all the depart- ents of the state, refusing to afford to iose departments the information on which e proceeded, he repeated that this would onstitute one of the most abominable ty- nnies that ever existed. The hon. mem- er went on to tell the commander in hief, "That the law had been violated, nd that unless he obtained the request hich he had made, he would bring the ibject under the consideration of the louse of Commons on the 29th of that ionth." The answer of the commander i chief "referred the hon. gent. to the ormer communications on the same sub- ect." The commander in chief, however ad caused a minute inquiry to be made ito the circumstances attendant on the ial of Curtis, and the result had been fully nd ably stated by his hon. and learned iend. The hon. baronet asserted that the on. mover had not been dealt fairly by. singular accusation; when the House ecollected the way in which the gent. in- nuated, that in a regimental court-martial uch a combination among the officers night be expected to exist, as would leave he soldier little hope of justice; than vhich observation one more ill founded and nischievous could scarcely be conceived. Ie was in bounden duty to believe that he motives of the hon. gent. were excel- ent; but he was persuaded the House vould feel that the hon. gent. had travel- ed the worst road possible. Having the airest opportunity, by the manner in vhich his application had been received y the commander in chief, of redressing he supposed grievances of the unfortu- iate individual in question (if he really vished that those grievances should be edressed), the hon. gent had rejected that pportunity, and thinking, erroneously, hat the House of Commons was the pro- er place for the discussion of subjects of his nature, the result had been the speech vhich the House had that night heard.

Mr. *Wardle* spoke briefly in explanation. Ie did not doubt the veracity of the noble ord opposite. He believed that he had given orders for admitting the counsel to he prisoner, but still the fact was as he iad stated it to be, and he must observe here was a vast difference between giving rders and seeing those orders executed.

The House then divided, when the num- ers were,

For the Motion 1
Against it 91
Majority .... —90

List of the Minority.

Colonel Gore Langton.
TELLERS.
G. L. Wardle
Sir F. Burdett.

HOUSE OF COMMONS.

Wednesday, February 27.

CAPITAL PUNISHMENTS] Sir *Samuel Romilly* presented two petitions, one from a number of proprietors of bleach-greens in the north of Ireland, praying relief, and stating that their property had been exposed to a variety of depredations, and that the severity of the law making all such depredations, in every instance, a capital offence, they were deprived of the means of effectually preventing them. The second, from certain master calico printers in this country, making similar representations, and advising a repeal of the laws, enacting, that such offences should be considered felonies. Sir S. Romilly observed, that the first petition was signed by above 150 persons, all of the highest respectability, and that it comprehended the wishes of the greater part of that description of proprietors in the north of Ireland. There were now before the House, in support and illustration of those arguments which he had on former occasions pressed on their attention, with the view of altering and ameliorating the harsher enactments of our criminal code, not opinions drawn from speculative and theoretical reasonings, but the explicit declarations of experienced men, pointing out the inefficacy of laws made expressly for their protection. His second petition was not signed by so large a number of persons, but he could state that the signatures attached to it were those of a great majority of that class by whom it purported to be made. Having thus the direct evidence of such important witnesses, whom it was impossible to believe had been deceived by loose and visionary purposes, he gave notice that on Monday next he would move for the repeal of an Act of the 18 Geo. II. and an Act of 3 Geo. III. rendering stealing on bleaching grounds to the value of five shillings in one country, and of ten shillings in the other, felony without benefit of clergy.—The petitions were ordered to lie on the table.

RESOLUTION RESPECTING ORDERS AND NOTICES] The *Chancellor of the Exchequer* rose, pursuant to notice, to propose a Resolution that might have the effect of counteracting the inconvenience to which the House had been long subject, by the existing mode of arranging its business. As he did not wish that it should in any way affect the principle which had been considered by some gentlemen to be of great importance, namely, that of the privilege of every member to make a motion without any previous notice, if he should deem it incumbent on him to do so; his object would simply be to give precedence to the orders of the day on certain fixed days, leaving the others entirely open. As it was equally the desire of both sides of the House to find out some means of expediting the necessary business of the session, he should propose, "That in this present session of parliament all orders of the day set down in the order book for Mondays, Wednesdays, and Fridays, shall be disposed of before the House will proceed upon any motions of which notices shall be entered in the order book."

Mr. *Ponsonby* thought the object of the House would be better accomplished by a general understanding among themselves. The existing rules of practice had been adopted after a long experience; and they should not be hastily altered without full and urgent proof of the superiority of the plan proposed to be substituted. He was strongly of opinion, that the Resolution would have the effect of infringing one of those points of privilege, peculiarly important to the duties of every member, and to the interests of the country.

Mr. *Yorke* observed, that the ancient orders of the House were all intended for the furtherance of public business. He believed that on some former occasion the House had adopted a rule in which the principle of the Resolution was recognised, that of refusing to receive motions after a certain hour.

Mr. *Wynn* ascribed the inconvenience sustained to two causes: first, to the great accumulation of business; and, secondly, to the delay in bringing forward the ordinary official business till the session was far advanced.

Mr. *Bankes* conceived either of the modes proposed would attain the necessary object, but said, if a division was pressed, he would vote for the Resolution.

Lord *Folkestone* objected to the Resolution, and considered that the duration of the session had been of late years too much limited.

Mr. *Whitbread* declared his dissent from both of the modes proposed. The portion of the week claimed by the minister was much too large, and curtailed greatly t space allotted for the discussion of all th multifarious relations of national polic Neither could he approve of rashly breaking in upon the old established usages parliament. Mr. Burke had said, th forms were the entrenchments of min rities, but if the Resolution were carrie the minister, indeed, would be fortifie but his adversaries completely disarme It went to deprive the House of its vitalit and to make four days in the week, day of registration, to the exclusion possibly the most momentous questions. Supposin other times to exist, and a bad minist and a bad parliament to be co-operatin they might carry all before them throug the medium of the forms of the Hous He therefore moved that the debate be a journed to Monday.

After a short conversation, it was agree to defer the consideration of the questio till Tuesday next.

HOUSE OF LORDS.

Thursday, February 28.

[BERKELEY PEERAGE.] The *Lord Chancellor* thought it right to call the attentio of the House to a point which he conceived to be of considerable importance relating to the case of the Berkeley Peerage. In all questions of this nature, i was the practice of the House to give notice to the person who had the semblanc of right to the Peerage claimed, in cas the actual claimant did not make good hi claim, in order that he might appoin some one to attend at the bar, to take car of his interests. In the present case, th person who would be entitled, if the now claimant to the Berkeley Peerage did no make good his claim, namely, the son o the second marriage, in fact was a minor and could not, therefore, legally appoin any one to take care of his interests, and lady Berkeley was appointed his guardian Lady Berkeley was anxious that what wa right should be done, and as it was highly desirable that her ladyship should be relieved from the peculiarly difficult situation in which she would stand betwee the interests of her two sons, he suggeste that the most satisfactory course would b to address his royal highness the Princ Regent to direct one of the law officers o the crown to attend at the bar, to tak care of the interests of this younger son His lordship concluded by giving notic of his intention to move to-morrow for mmittee, to consider of what was right be done in this case, and to report to e House.

[DEATH OF A POOR DEBTOR CONFINED THE MARSHALSEA.] Lord *Holland* lled the attention of their lordships to a rcumstance which he considered of the eatest importance: he alluded to the rdict of a coroner's jury in January last, the body of a person deceased in the arshalsea prison, and who was stated to ve died from want. The particulars of is case were peculiarly afflicting. The fortunate individual was immured in e Marshalsea prison in November last, r a debt of only seven pounds. It ap-ared that he was in the greatest distress, d had no other means of subsistence an the charity of his unhappy fellow-fferers in the same prison. He was re-ced even to gnaw the bones which were rown into the yard; he had neither bed r cloathing; the miserable room which inhabited had no window; and when e jury viewed the body, it was in a state ich it was impossible to describe. The roner's jury had actually returned a rdict of "starved to death," but upon -consideration, they finally returned the itigated verdict of "we verily believe at the deceased's death was caused by ant of food and cloathing, and of proper tention in his illness." The facts which stated could be proved in evidence, if ought necessary, at their lordships' bar. e thought it right to mention, that two illings were found upon the deceased, at from all the circumstances that had anspired, there was every reason to be-eve, that these two shillings, if not con-yed into the pocket of the deceased ter his death, were at least given to him a period when it was too late to be of y service to him. From the slow pro-ss of the law, five months must elapse fore the prisoner for debt could obtain om his creditor who kept him in prison, e miserable pittance of six-pence per y, and this wretched individual had, in e mean time, been reduced to this dread-l state of distress. He thought it his ty to make a motion, in order that this se might be brought before the House, d more particularly at this time, when e law of Debtor and Creditor was under eir lordships' consideration, upon the lls which had been by the noble and arned lord (Redesdale) presented to their tice. If their lordships had any wish stand well with the people, he was certain they could not adopt a course more likely to insure the good will and affections of the people than that of keeping a strict watch over the details of the administration of justice. His lordship concluded by moving, "That the proper officer do lay before the House, a copy of the Proceedings before the Coroner, and of the verdict of the Coroner's Jury on the body of William Culver deceased, in the prison of the Marshalsea,* in January last."—Ordered.

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* The following were the depositions taken before the coroner respecting the death of this individual:

"Thomas Canfield, a prisoner in the said Marshalsea prison, on his oath, saith, That on or about the 15th of November last, the said Thomas Culver was brought into the said prison as a prisoner for debt, and he was then apparently well, but was taken ill soon after, and continued so till the day of his death, the 4th of January inst.; he says his complaint was a dysentery, that he was once during the time better, and had a relapse, but after that continued getting worse; he says, Mr. Phillips, the surgeon, attended him during his illness, and that he was taken necessary care of as far as the comforts of the prison afforded, and that he did not die in consequence of any ill treatment from the master of the prison, or any other person whomsoever, and that he believes that what he applied for to the keeper, by way of necessaries, he had; and that he had two shillings in his pocket when he died.

"Owen Tyndal, of the said prison, on his oath, saith, That on Thursday evening last he was desired to sit up with the said Thomas Culver, he being then very ill, and he went to him about eight o'clock on the Thursday evening, and found him so; and he continued with him till the Friday morning following, the 4th of January, till about six o'clock, when he died. He says, he expressed satisfaction for the usage he had met with from Mr. Jenkins, the keeper, and from several other persons in the prison, and no complaint whatever.

"Andrew Kauffman, a prisoner in the said prison, on his oath, saith, That the said Thomas Culver came into the said prison in the month of November last, that he then appeared to be well, and in about a fortnight afterwards he was taken ill, and continued so till about a fortnight ago, and then he came into his room

HOUSE OF COMMONS.

Thursday, February 28.

[DISPUTE WITH AMERICA.] Mr. *Whitbread* rose to put a question to the right hon. gent. respecting our relations with the United States. They had been given to understand in the Regent's Speech, at the opening of the session, that the neg ciations so long pending were likely have an amicable termination; the were, however, rumours then afloat, of very opposite tendency; if he had be rightly informed, the American minist had had his audience of leave, this day, the Prince Regent, preparatory to

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where he used to work, and that he used to give him some of his provisions; and he began to mend, as he thought, and about a week ago he was taken worse, and continued so till he died; and that he sometimes asked for particular things, water-gruel and mutton-broth, and which he gave him; that he sometimes took them, and sometimes could not; and he believes he had every thing he asked for that it was in his power to give him, and that he continued in his clothes till his death; that he used to be very often fretting about his wife, who was ill, and for that reason he could not see her; and that he had a soldier's cloak, and another coat, and several waistcoats on.

" Elizabeth Brannan, on her oath, saith, That she lives a servant with Mrs. Champion in the said prison, and that about a week ago she went up into Kauffman's room, and saw a man lying in bed there, which she believes to be the said Thomas Culver; and he said he was starving, that he wanted a bason of coffee; and she said she would speak to her mistress to make him a bason; and her mistress did so: and she took it up to Culver, and two crumpets; this was about ten o'clock in the morning; and he drank the coffee, but did not eat the crumpets; and about six o'clock in the afternoon she took him up some tea, and he drank it; and about nine o'clock the same night she took him up some barley water, and he was calling out for the watchman; and she asked him what he wanted with him, and he said he wanted half a pint of stout; and she went to the watchman, and told him of it; but whether he took it or not she does not know; she says there was a fire in the room; this was about three days before he died.

" Nathan Settle, a prisoner in the said prison, on his oath saith, That when the said Thomas Culver came into the said prison, he was apparently well, and that he was taken ill some weeks after, and that he then got better and relapsed again, and that he continued ill till he died; that he saw him twice during his illness; that the day before he died, he saw him in b in Kauffman's room, and that whilst was there the doctor came, and he ask him how he did, and he said he was ve bad; and the doctor said he saw he w worse than when he saw him last; a then Mr. Canfield said he had given hi some things, and had appointed a man sit up with him; he said he did not com plain he was in want of any thing.

" Robert Hay, a prisoner in the sa prison, on his oath saith, That when Cu ver first came into the prison he was ap parently well, and was taken ill soon afte and that one day he met him in the yar and he asked him how he did, and he sa he was starving; and he took him to h room and gave him some pork and mutto which he did not then eat, but took awa with him; and that he frequently saw hi afterwards, and he always complained being in want, and said he had not the had a mouthful of bread for two days; th was about a month before he died.

" William Hammerton, a prisoner in th said prison, on his oath saith, That about fortnight after Culver came into the priso he saw him, and he asked him if he ha some broken victuals, and said he shoul be glad of it, for he had not had any vic tuals for two days till just then, when M Hay and Mr. Alman had given him bit of pork; and that he was apparentl well; but he was afterwards told he ha some bacon at the same time in his bag and about two months ago he saw him take up a bone in the yard, which had jus been thrown down, and put it to hi mouth.

" Thomas Brade, a prisoner in the said prison, on his oath saith, That he was in the prison when the said Thomas Culver first came in, and that he was then apparently well, and in about a week or a fortnight after he was taken ill, that he desired a surgeon might be sent for, and a surgeon was sent for, who attended him, he believes, three or four times in the course of that week, and gave him medicines; he says he appeared to him to have died for want of proper attendance.

uitting this country, and thus putting a inal, and not an amicable termination to is mission. If this were the case, he vished to ask the right hon. gent. if it was is intention, under such circumstances, o advise his royal highness to direct the ecessary papers respecting that negociaion to be laid upon the table of that House?

The *Chancellor of the Exchequer* said, it vas true that the American minister had hat day had his audience of leave, but hat the negociations were finally broken ff, he had yet to learn of the hon. gent. Though the American minister was about o leave this country, he was not quitting t under such circumstances as the hon. gent. supposed. He would leave behind im a charge d'affaires to carry on a dilomatic correspondence, and so far from he negociations between the two counries being interrupted, a gentleman had ust been appointed envoy extraordinary o America. There was nothing in the nanner in which the American minister, ow about leaving this country, took his eparture, that could give reason to any ne to suppose such an interruption had ccurred. Under these circumstances, he aw no reason for advising the Prince Regent to cause any papers on the subject o be laid before the House, which would ot otherwise be produced.

Mr. *Whitbread* was glad to hear an answer so contradictory of what he had understood to be the case, but confessed, at he same time, that it was not sufficiently atisfactory to his mind, and that he must, herefore, reserve to himself the right of iving notice on some early day, of a motion for the necessary papers on this subject.

[Irish Distilleries.] Mr. *Grattan*, in pursuance of notice, moved; “That an humble Address be presented to the Prince Regent, praying, that he would be graciously pleased to direct, that an investigation may be made into the quantity of home-made spirits distilled from grain, remaining in the hands of the Distillers of Ireland, upon the 5th of March, 1810, when the reduction of the duty upon spirits took place; praying compensation for the losses sustained by them; and assuring his Royal Highness that this House will make good the same.”

Mr. *Shaw*, of Dublin, rose to second the address, and in doing so, begged leave to assure the House, that no case could possibly come before them which had stronger claims on their attention and their justice. They would recollect, that from the month of June, 1808, to the month of March, 1810, the distillation from grain had been prohibited; the natural consequence of this was, that at the end of that period, there remained upon hand a very considerable stock of spirits distilled from sugar. The allowance of the distillation from grain must have sensibly affected the value of this stock had that allowance been duly foreseen, but it took place contrary to all fair expectation; its operations on the price of the sugar spirits were, of course, not only strong, but sudden; and not only was the allowance granted, but the duty was reduced from 5*s*. 8*d*. to 2*s*. 6*d*. and consequently no time afforded for the disposal of the large stock of sugar spirits on hand, though the invariable rule was, that whenever any additional duty was put on spirits, the stock on hand was always excised, and therefore the persons concerned in the trade expected some regulation in case of a reduction of duty. In this case, however, there had been none, and therefore the stock became in general so much dead loss; and he need scarcely remind the House of the sad effects of this was manifested in so melancholy a manner, by the unprecedented increase of bankruptcies last year in Dublin. The speculation in sugar-spirit had been very extensive in consequence of the confident and general expectation of the continuance of the prohibition; all the speculators were severe sufferers, and those of them who had not large and extensive capitals, found themselves suddenly involved in inevitable bankruptcy. For these reasons he trusted the House would see the necessity of resorting to the speediest and most effectual means of compensating those who

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“ William Palmer, surgeon, on his oath, aith, That soon after the said Thomas ulver came into the prison, he was sent or to him, and he was then very unwell vith a feverish complaint and a bowel omplaint connected with it, and he got etter about a week after, and soon relapsed again; and that he was then taken ll again, and it appeared from a breaking p of his constitution that he was then bove 70 years of age, and that he believes e had all the necessaries that he from ime to time required to have, either from Mr. Jenkins or any other person; and, hat he administered such medicines as he hought necessary.”

had suffered at once so extensively and so unmeritedly.

The *Speaker* called the attention of the House to the subject matter of the proposition about to be submitted to them. There was a standing order of the House, that no petitions for money should be received, unless recommended by the crown. This was a motion to obtain compensation. Without the form of a petition, the same effect was intended to be produced.

Mr. *Foster* opposed the motion. No man could say that the reduction of the duty upon spirits imposed any hardship upon any of the distillers. As it was done by act of parliament, it afforded them a fair notice of what was intended to be done. The stock of spirits was taken upon the same day the prohibition was enforced, and there were found to be 115,000 gallons; and only 50,000 gallons were distilled under the higher duties. There was not then enough of spirits to answer the market in Ireland, so that the distillers found greater benefit in supplying it, instead of exporting their spirits. There were not spirits equal to two days distillation in the whole of that country; so that these distillers had a sale for their spirits which amply indemnified them for the duties they paid. The duty was altered from 5*s.* 8*d.* to 2*s.* 6*d.* per gallon; but they were not on that account entitled to a drawback of 3*s.* 2*d.* as they now claimed. The utmost they could claim, by his calculation, was 4½*d.* per gallon; but he saw no reason for making any allowance whatever. If any drawback were to be allowed, it might with equal propriety be allowed to all the other holders and dealers in all foreign spirits, a thing which would be extremely impolitic. In looking into the Journals, he found five petitions presented upon this subject formerly, and after it was discussed they were rejected. It was indeed contrary to the practice of the right hon. gent. himself, when in 1795 he brought in a bill into the Irish parliament for encouraging the brewing of beer, by taking off the excise duties, but there was no drawback allowed for the stock on hand. Under all these circumstances, he considered that there was this solid objection to the motion; that there was no document produced to shew that any investigation whatever was necessary. He thought such a question should go through a committee of the whole House, before such a motion could be made.

Sir *J. Newport* thought that it was but justice to allow a diminution of the duty upon the stock on hand, as well as that to be distilled. His complaint was, that there was no interval of time left for them to get rid of their stock. If there were only two days consumption of spirits in the country, there was surely the less difficulty in doing the necessary act of justice. As this was an age of precedents, they ought upon this occasion to follow that of the Tea Commutation Act, by which the duties were diminished, but a period of three months was allowed the dealers to dispose of their stock on hand; and it was on that account that no allowance of drawback was given to them. If the distillers had no other mode of redress but by petition, it was leaving it in the power of any financial minister to withhold his consent, on account of his being the individual who imposed the hardship complained of. He therefore agreed in the propriety of the line that had been adopted by his right hon. friend, as the proposed address prayed for an investigation, and not merely that money should be paid them.

Colonel *Barry* said, that in his opinion there was no ground for compensation whatever; for, in the first place, the distillers had proved no loss. These distillers had enjoyed a monopoly; and it did not appear that they had not sold every gallon of their spirits as high as ever they could have done, had there been no alteration of the duty.

Mr. *Hutchinson* had no doubt, that if the House agreed to the motion, they would be able to decide what was the amount of the loss these distillers had sustained. In 1783, when the duties upon French wines were equalized, the holders of these wines had a drawback granted to them, and such ought to be their conduct in the present instance. He did think the matter ought to be investigated by the House, as many failures, he understood, had taken place in consequence of the losses they had sustained.

The *Speaker* repeated his objection to the mode of proceeding, as contrary to the established rule that had existed for a century. The identical case had already been submitted to the House in the form of a petition, and rejected on account of its not being regularly recommended on the part of the government, and it would be rendering their rule of no avail to receive it in any other form.

The *Chancellor of the Exchequer* approved highly of what had fallen from the Chair.

had been said that if ministers thought roper to refuse their consent to any petion, it was impossible to procure redress; ow, he did not think it had been usual to efuse such consent, for they had been more eproached for giving it too easily than r withholding it. They often gave their onsent to petitions which they were coninced ought not to be received, as it still y with the House to grant or refuse the rayer of them. This address seemed erely to be substituted for a petition that as rejected.

Sir *J. Newport* was of the same opinion s formerly, for if such was the form of the louse, it must sanction great injustice. Ie did not think that this present mode as by any means disrespectful. What e complained of was, that ministers had in their power to withhold their consent, r to make it an act of favour. He should ot however persevere in stating his opiion contrary to the sentiments of the ouse.

The *Speaker* then put it to the right hon. ent. whether he would not wish, under hese circumstances, to withdraw his motion.

Mr. *Grattan* accordingly consented, and e motion was withdrawn.

[MARINE INSURANCE BILL.] This Bill eing read a second time, counsel were alled in and heard.

Mr. *Baring* then moved, that the Bill be ommitted, and said, that he would not rouble the House with any observations n the present stage, as he was sure that measure which met the approbation of o large a body of merchants would at east be permitted to go into a committee.

Mr. *Grenfell* said, that after the frequent iscussions upon this subject, and after hat had fallen from the counsel, he hould not enter much into it at present; ut he only rose to observe, that the most roper mode would be to refer the subject o his Majesty's privy council, for the iscussion of it in the House was an irregular interference with the prerogative of he crown. He should therefore oppose he motion for going into a committee.

Sir *T. Turton* denied that the Bill was a nere speculation. The real question beore the House was, whether the increase f trade since the institution of the corpoations or companies said to be injured by he Bill, might not require a different sysem? The measure should have his support, as he believed its operation would be throw open insurance at the lowest ate.

Mr. *Marryatt* said that this Bill must be considered with regard to its ultimate object, which was, the establishment of a great combination, to do away every other mode of insurance. At present, there was a monopoly *de jure*, but not *de facto*; if this measure succeeded, there would be a monopoly *de facto*, though not *de jure*. Such a company might command the rate of premium. Their interest would be to delay payment as long as possible, and their correspondents would encounter intolerable hardships. Instead of 1,500 individuals, as at present, there might be 20 companies whose secretaries might understand each other, and settle the premium at their pleasure. The companies, it had been proved, were a dearer resort, and their solidity was not such as afforded any compensation. All this was the effect of speculation taking the place of sober industry. He himself had a share in one of the fire offices (all of which would become marine insurers, if this Bill passed) for which he paid 500*l.* He had been offered 2,000*l.* for it, subject to the passing of this Bill. Companies, in short, would start up like the lottery insurance companies in every street, and would be here to-day and gone to-morrow. Losses to the amount of six or seven millions had been lately paid, on account of the critical state of trade. What would have become of their million capital, if but nearly this sum had come upon it? He should therefore oppose the motion.

The *Chancellor of the Exchequer* controverted the opinion of Sir T. Turton on the subject of the charters, and contended that the road to redress was open to these petitioners in the mode pointed out by the act, and consequently that their application to parliament was improper. On petitioning the King, the matter would go through the Privy Council to the Attorney General, who would hear it as a cause; and, on his report, the decision of the executive would be given. If the charters of the existing companies were found to be objectionable, by this mode they would be rescinded, and all the petitioners required by the present Bill would be accomplished. Yet, though this road had been pointed out to them last session, they had preferred coming again to parliament, where their claims, from the nature of a popular assembly, were not likely to be so accurately discussed. He condemned the original motives of the petitioners, and much as he was averse to new charters, he would rather agree to one of them, than to an anomalous copartnery like the present. He then pointed out many inconveniences that would arise were the present Bill to be passed, and so large a body established, which could only be sued in the name of their secretary, whose person would be all the insurers would have for their risks. On all these grounds he was hostile to this application.

Mr. *Adam* thought that the right hon. gent. had mistaken the state of the question, and that no part of his observations applied to it. A grievance had been proved to exist, and the object was to apply a remedy. The Bill did not propose to dissolve any charter, but merely to say, that the system of solitary insurances should no longer be the law. The grievance complained of was, the insecurity of insurances; and the measure submitted, was the doing away of that clause in the acts which prevented others from joining in companies. Therefore he thought that the argument of the right hon. gent. did not apply.

The *Attorney General* opposed the Bill, the object of which, he said, was, if not to destroy the charter, to take away one of the greatest advantages arising from the incorporation of those companies.

Sir *John Anstruther* contended that his Majesty's power applied only to the total repeal of the charter; but not to any particular modification, such as was now proposed. He was of opinion that the Bill should go into a committee.

After some further observations from the Solicitor General and Mr. Stephen, who spoke against the Bill, and from Mr. Morris and Mr. Bafing, in favour of going in a committee, the House divided, when the numbers were,

For going into a Committee 25
Noes 26
Majority against the Bill ... —1

HOUSE OF COMMONS.

Friday, March 1.

[REPORT RESPECTING THE DETENTION OF M. COLVILLE IN COLD BATH FIELDS' PRISON.] Mr. *Dundas* brought up the following report from the Secret Committee relative to the detention of M. Colville in the House of Correction, Cold Bath Fields:

"The SECRET COMMITTEE, appointed to inquire into the circumstances connected with the detention of —— Colville, now a Prisoner in the House of Correction in Cold Bath Fields and to report the matter, as it shall appear to them, to the House;

"Have proceeded in the investigation of the matter referred to them; and have inspected various documents, and examined several witnesses relative to the causes and circumstances of the detention of the said Colville, the mode of his confinement, and the nature of his treatment in prison.

"Your committee report, That there appears to have been sufficient cause for his seizure and detention; and they are decidedly of opinion, that on public grounds it is necessary that he should remain in confinement: it does not appear to your committee, that he has suffered any inconvenience which is not incident to the description of place in which he is detained; but they are of opinion, that the regulations of such a prison are inconsistent with the nature of the confinement to which he ought to be subjected, and with that security from communication with persons out of the prison, which is necessary for the object of his detention.

"Your committee, from obvious considerations of public expediency, have felt it their duty, in making their report to the House, to refrain from entering into the particular circumstances of the case."

Lord *Folkestone* said, he thought it his duty to declare, that the report was unanimously agreed to by the committee.

It was then ordered to lie on the table, and to be printed.

[MEMORIAL OF THE CREDITORS OF THE RAJAH OF TANJORE.] A Memorial of the several persons whose names are thereunder subscribed, being Creditors of his excellency the late Rajah of Tanjore, in the East Indies, was presented and read; setting forth,

"That, in the year 1788, his Excellency Ameer Sing was placed on the Musnud, or succeeded to the government of the districts of Tanjore, with the consent and by the means of the government of Madras or Fort Saint George; that, during the war with Tippoo Sultaun, the Madras government assumed the collection of the revenues of the Tanjore country, but, at the termination of that war in 1792, those districts were again restored to the said Rajah; a treaty was also then formed with him by the most noble the marquis of Cornwallis, on behalf of the East India

ompany, by which the entire sovereignty
that country was ceded to the said
ajah, on the condition of his paying in
sh, by monthly kists or instalments, the
m of star pagodas 460,000, or there-
outs, until the year 1795, after which
eriod he was to pay the sum of star
godas 630,000, or thereabouts; that the
emorialists further beg leave to repre-
nt, that some of them are soucars or
ative bankers, and that others of them
ere dealers in silk goods, in gold and
lver, jewels and precious stones, &c.;
at their ancestors had pursued the same
rofession; and that the said Rajah Ameer
ng, on the said countries being restored
him, had no money in his treasury;
nd that, as his revenues were collected in
e produce of his countries, that produce
ould seldom or never be realized into
ash in time to pay his money engage-
ents; and that consequently the said
ajah applied to the memorialists to
rrow money from them in anticipation
his revenues, and to purchase merchan-
se for the use of his family and the de-
endants on his palace; and that the
emorialists, having always experienced
the said Rajah a disposition to comply
ith all his engagements with them, did
ccordingly advance him sums of money
n loan, and sold him various kinds of
erchandise; that the memorialists beg
ave further humbly to represent, that, by
rders from the right hon. lord Hobart,
en governor of Madras, the said Rajah
as made a prisoner in the month of
ecember 1795, and a military guard was
laced over his palace, and his ministers
nd confidential servants were separated
om him, and confined as close prisoners,
nd the Madras government assumed the
anagement of his revenues, although the
id Rajah had punctually discharged the
sts stipulated in the treaty of lord Corn-
allis; and the memorialists are yet un-
cquainted with the cause of these pro-
eedings towards the said Rajah; that the
id Rajah, after finding himself unable to
tisfy the urgent demands of the memo-
alists, expressed his sorrow on that ac-
ount to the then British Resident, Mr.
acleod, and bewailed his misfortunes
hiefly because of the distress in which
ey would involve the memorialists;
nd in consequence of which the said
esident then reported to the Madras go-
ernment the amount then due to the
ajah's creditors; that the memorialists
rther beg leave to represent, that, in
some months after the said Rajah had been thus deprived of his countries, they were restored to him by orders of the then governor general, sir John Shore, bart. but that, in the following year, the said Rajah Ameer Sing, on the plea of his not being the legitimate heir, was deprived of the Musnud of Tanjore, that his excellency the Rajah Surfogee was appointed by the Madras government to succeed, and with whom the Madras government immediately formed a treaty, by which he relinquished, for himself and his heirs, &c. in favour of the hon. East India Company, all his rights to interfere in the collection of the revenues, on the condition of receiving an annual allowance in money: that the memorialists further beg leave to represent, that his excellency the Rajah Ameer Sing, having been thus deprived of his countries (although he had been placed as the legitimate heir on the Musnud by the British government, about ten years preceding) and consequently without the means of satisfying the debts due to the memorialists, they then entreated the Madras government to take into consideration their distressed situation, and respectfully represented, that, as it had possessed itself of the countries which had been pledged to the memorialists as a security for their advances, they relied with confidence that the justice of the Madras government would not permit the memorialists to suffer by the change which it had been pleased to make in the government of that country; that, in consequence, the hon. the Court of Directors was pleased to order the claims of the memorialists to be investigated, and that, in pursuance of these orders, a committee, consisting of three of the hon. company's civil servants, was appointed by the Madras government to carry these orders into execution; that the said committee, by public advertisements in the years 1802 and 1803, invited all creditors to prefer their claims on the said Rajah Ameer Sing, and that the claims of the memorialists were rigorously examined and compared with the records of the Tanjore palace, and the proceedings of the said committee were transmitted, in the year 1803, by the Madras government to the hon. Court of Directors, and duly received by them: the memorialists further beg leave to represent, that, since the proceedings of the said committee were transmitted to England, they have repeatedly addressed the Madras govern-

ment, as well as the hon. Court of Directors, with regard to the said claims, and have, by means of their agent in London, presented, through the hon. Board of Controul, several memorials to the hon. Court of Directors, without being able to receive any reply; and that the claims of the memorialists, at the period of deposing the said Rajah Ameer Sing, or the amount stated to be due to Ameer Sing's creditors in the final report of the said committee, did not exceed one half of one year's revenue of his countries; that the hon. the East India Company have continued, since the deposition of the said Rajah, to collect the revenues of those rich and fertile districts, yielding about ten lacs of pagodas annually; that, in proof of what is stated in this memorial, they refer to the records of the Madras government, in possession of the hon. Court of Directors; and that, although many of the memorialists have been reduced from affluence to the greatest distress, in consequence of having been thus deprived of their property, yet the memorialists have waited without any success for above 14 years, with the utmost patience, the result of their respectful solicitations to the hon. the East India Company; but, as they now despair of obtaining from the hon. Court of Directors of the East India Company that justice to which they are entitled, and which they have so long in vain solicited, they have determined thus to submit their case to the British nation, through their representatives in parliament assembled; and therefore praying, that the House will adopt such measures as will tend to a speedy adjustment of their claims."

Ordered to lie upon the table.

SELECT COMMITTEE APPOINTED ON COMMERCIAL CREDIT.] The *Chancellor of the Exchequer* rose, in pursuance of his notice, to move for the appointment of a Select Committee to inquire into the state of Commercial Credit. Various representations had reached him from manufacturing and mercantile people, of the disadvantage under which trade suffered, and which they attributed to the state of credit and the condition of the markets with which they were formerly in the habit of communicating. At first he did not believe that the evil prevailed to such an extent as had been stated, but so various were the representations that he now thought it his duty to submit the present motion to the House, that they might ascertain its existence, and provide a remedy as soon as possible. He deprecated all discussion upon this occasion as premature, and recommended that they should wait to have the advantage of the report. It was his intention, that all the surviving members of the committee which was appointed upon a similar subject, in the year 1793, should be upon the present, and that the number of the whole should be 21. He concluded with moving, "That a Select Committee be appointed to inquire into the State of Commercial Credit, and report the same as it shall appear to them, to the House, together with their opinion and observations thereon."

The members proposed were: the Chancellor of the Exchequer, Mr. Manning, sir J. Sinclair, Mr. Brogden, sir J. Shaw, Mr. Staniforth, Mr. Irving, Mr. H. Thornton, Mr. Robert Shaw of Dublin, Mr. Dundas, the Lord Advocate of Scotland, Mr. Rose, sir Thomas Baring, Mr. A. Baring, Mr. Sharp, Mr. Long, Mr. Alderman Combe, Mr. Marryatt, sir J. Newport, Mr. Foster, and Mr. C. Ellis.

Mr. *Tierney* said, he hoped that the committee would be permitted to go at large into the subject, in order to trace the cause of the evil.

The *Chancellor of the Exchequer* said, the committee for which he moved, was for the purpose of inquiring into the state of Commercial Credit, not of Public Credit, beyond that it was not his idea that it should go. The committee, he was sure, would not think it advisable to protract their report to any great length, but it would naturally inquire into the causes for the purpose of ascertaining the remedy; and if it found that the evil sprung from public causes, would of course recommend a public remedy. Should that view, however, be taken of the subject, there would be more propriety, he thought, in bringing it before the committee than the House.

Mr. *Curwen* hailed the present measure as a step towards the exposure of the bad system upon which the government had acted. He alluded to the new relations with America, and disapproved of the policy of encouraging manufactures to the injury of the agriculture of the country.

Mr. *Horner* thought the chancellor of the exchequer had taken a more correct view of the subject than his right hon. friend. It was better, in his opinion, to confine the inquiry at present to the na-

e of the measures to be adopted, than
enter upon the causes which have led to
ose measures. He wished to express,
wever, no opinion at present of the re-
dy necessary for the evil; or even an
inion of the possibility of affording any
ch remedy. He rose to move for the
dition of another name to the list. No-
ng, he owned, could be more respect-
le than the names of which that list
s composed; but he could not avoid
nking that it would have been better if
had contained fewer commercial mem-
rs. He thought that, at any rate, the
e Secretary to the Treasury should be
the committee, and should therefore
ove, that the name of Mr. Huskisson be
ded.

Mr. *Huskisson* wished to decline the ho-
ur of being a member of the committee.
e stated the points in which he thought
e present distresses resembled, and in
hich they did not resemble those of 1793.
present there was no interruption to
blic credit; in 1793 it was otherwise;
d at present there was a great spirit of
er-trading in the country. He disclaim-
having any particular opportunities of
formation on this subject.

The *Chancellor of the Exchequer* rose to
pport the motion of the hon. gent. He
reed with the gent. who last spoke, that
e present circumstances differed in some
ses from those of 1793, and resembled
em in others. He thought, however,
at should the distresses of the present
y be even traced to overtrading, yet if
e result of that over-trading had been
ch as not only to occasion mischief to
ose who had over-traded, but to those
ho have not over-traded, the House
uld have no objection to afford an al-
viation, if possible. He had no hesi-
tion in saying, that whatever opinion
ight be formed of the policy of the Orders
Council, these, on inquiry, would not be
und to be the cause of the present com-
ercial distress.

Mr. *Tierney* said, that it was not suffi-
ent to induce the House to vote an issue
exchequer bills, to state that numbers of
erchants had over-traded themselves.
pon such a report being presented to
e House he should not think himself jus-
ied in giving his vote. He did not
ean to say that under certain circum-
nces of distress, he might not be wil-
ng enough to give assistance; but those
rcumstances he thought should differ
aterially from the present. He owned he did not see how a remedy could be afforded to the present evils. The right hon. the Chancellor of the Exchequer spoke of the necessity of a speedy report; but he hoped that sufficient time would be taken to make the necessary inquiries, and for this purpose a week, at least, would be necessary. Were he a member of the committee, he would wish to examine a number of merchants on the subject, and enter upon other inquiries, which would all take up a good deal of time. It would be proper for the House to know what was the state of the present distress, what had produced that state, and what was likely to be the duration of that state: and it would be foolish to give issues of Exchequer bills at present, if at the end of a twelvemonth the evil should still continue.

The *Chancellor of the Exchequer* should certainly think the committee were going beyond their duty, were they to enter upon so large a field of investigation as the right hon. gent. would force upon them. To what extent the House might think fit to go into the ultimate and proximate causes of the subject, was another consideration but it was the Committee's duty to inquire into the nature of the present distress. The House would consider the degree and extent of the distress, and whether it was advisable to afford a remedy.

Mr. *Canning* observed, that from the narrow description of the investigation proposed, he apprehended the qualities for which his hon. friend had been stated to be particularly distinguished, were not necessary, especially if it was intended that the report should be speedily laid on the table. The qualities alluded to would only have been of essential advantage, if the committee were about to inquire not only into the immediate but into the remote causes of the present state of commercial credit. He therefore thought it would be better to leave the names as originally moved.

Mr. *Horner* expressed his surprise that the right hon. gent. should have spoken as if he had fallen into some impropriety in naming the hon. gent. near him as a member of this committee, and an impropriety which the Chancellor of the Exchequer had avoided. This was extraordinary, as the Chancellor of the Exchequer had immediately assented the moment the hon. gent. had been named. He had never doubted but the hon. gent.

would have been willing to have given his services upon the committee; services which, in his view of the case, would be of great utility. It appeared to him that this would be an operation of finance founded on a commercial difficulty; and it was important, even with a view to the proximate causes of that difficulty, that some person, accustomed to the operations of finance, should be on the spot. Although he was sorry that the services of the hon. gent. on this committee should be lost, yet as he was averse to become one of the members, he certainly would not press his motion.

Mr. *Tierney* moved as an amendment, That after the word 'credit,' the words 'and trade of the united kingdom' be inserted.

Mr. *Baring* thought upon the whole, that it would be better to defer the consideration of the more extended subject, until the narrower was decided, and the report of the committee brought up.

Mr. *H. Thornton* preferred the original words. He did not wish that the great political question should be submitted to the committee.

The amendment was negatived without a division.

Mr. *Tierney* then moved another amendment, that the word 'thereupon' should be left out, for the purpose of introducing the words 'the causes that produced the same.'

The *Chancellor of the Exchequer* thought the words, as they originally stood, expressed the meaning sufficiently, and of course that the amendment was unnecessary.

Mr. *Wilberforce* said, the Committee should not be permitted to go into the political question, as it would only have the effect of rendering the real question referred to them, ambiguous.

The amendment was negatived as before.

Mr. *H. Thornton* took it for granted that the object was to inquire into the state of trade only so far as this was connected with the means of giving relief. To answer this purpose, the original motion was sufficiently well expressed. The amendment proposed would lead into too large a field.

The first part of the amendment, that the committee should inquire into the state of the trade of the united kingdom, was then put and negatived. The question being upon the latter part, that the committee should report on the cause that produced the same.

Mr. *Perceval* observed, that the right hon. gent. had surely fallen into some mistake. Was it meant that there should be an inquiry into the causes that produced commercial credit?

Mr. *Tierney*—No; into the causes of the present state of commercial credit.

Mr. *Perceval*—Even in that sense it was too large, and would carry the duties of the committee much beyond what any one appeared to have in view.

Mr. *Wilberforce* concurred with the last speaker, that the words of the amendment were too large—and that the inquiry ought to be confined to the state of trade so far as this was connected with the means of relief.

The latter part of the amendment was also negatived, and the motion, as originally worded, agreed to without a division.

Upon the reading of the names of the members for the committee,

Mr. *Whitbread* stated, that in his opinion there were too many commercial men proposed, 13 out of the 21 being of that description, and thereby constituting a majority of the whole. The remaining names, too, were chiefly those connected with the right hon. gent. in office. The right hon. gent. seemed to hold out, that he had at first rather turned a deaf ear to the representations on this subject, and whether he was a convert to the opinions contained in these representations, or had brought forward the subject on account of the number of applications, and the respectability of the quarters from whence they came, he had not mentioned. But if the commerce of the country was in an embarrassed state, and it was clear that it was, this committee was improperly constituted. That there ought to be some commercial men, was certain; but that they must have a strong bias to recommend the granting of relief, even though it might be doubtful to others whether such a measure would be proper, he thought self-evident, and therefore they ought not to constitute a majority. He was surprised that the name of Mr. Huskisson had not been originally proposed, and surprised that there should be any objection on his part when he was last mentioned. He hoped some other names would be proposed. The commercial majority was objectionable in the first place, and almost the whole of the rest would be under a vote for any easure of relief which the Chancellor ' the Exchequer might have already sugested.

The *Chancellor of the Exchequer* stated, iat he had taken the principal merchants om both sides of the House—persons est acquainted with the subject, and at ie same time not likely to be so much fected as less eminent traders, by the resent depressed state of commerce. He ad no objection, however, to some more ames, though it was desirable that the ommittee should not be too numerous.

Sir *J. Newport* objected to the constituon of the committee, on the same grounds s Mr. Whitbread.

Mr. *A. Baring* stated, that every comercial man who had expressed a doubt s to the expediency of giving relief, had een named for the committee.

Sir *J. Newport* disclaimed any other obction to a majority of commercial men ian this, that they would be, from the ature of the case, acting under an undue ias.

Mr. *G. Johnstone* proposed that Mr. '. Giddy be added to the committee, ut nobody seconded the motion.—The ommittee was therefore appointed as oriinally constituted, with the usual powers.

HOUSE OF LORDS.

Monday, March 4.

INFORMATIONS EX OFFICIO FOR LIBEL.] 'he order of the day being read,

Lord *Holland* rose and said, he had little pprehension, when he first gave notice of is motion, that it would meet with any oposition. It was indeed a motion so consoant to parliamentary usage, so obviously njoined by the duties of the legislature, and o natural a consequence of measures reently adopted by the House, that he had oped it might have met with the entire conurrence of their lordships. In this, howver, he was mistaken—he had received n intimation (for the politeness of which e acknowledged himself obliged) from a uarter where he knew that opposition in iat House was seldom fruitless, and it had ierefore become necessary for him to rouble their lordships more at length ian he could have wished, to explain the rounds on which this motion rested, and t the same time to state as explicitly the lterior objects to which, if acceded to, e should call their attention.—The moon he had to submit was merely for inormation, it was merely for a list of such proceedings as had been instituted *ex officio* against state libels, by the Attorney General, for the last ten years. It would pledge their lordships to no further opinion; it might be granted with due regard to parliamentary usage, without implying the suspicion of abuse, and without entailing on the House the necessity of any subsequent proceeding. In the other House (if it was regular to allude to such things) it had, from time immemorial, been the usage to institute, at the commencement of every session, a Committee of Justice, an usage which indicates that the eye of parliament should be invariably fixed on the administration of justice, that parliamentary inquiry into the nature or number of any prosecutions in the courts below conveyed no censure on those courts, but proved that vigilance and policy, with regard to them, was the constant and uniform duty of parliament, which could not be relaxed without danger, but which could be exercised without implying distrust or suspicion. The House, indeed, had recently sanctioned the principle, for without imputing blame to any one, they had, at the motion of his noble friend (lord Grenville) whose absence he regretted, ordered in this very session, (or at least in last session) a return of the number of convictions and other proceedings on felonies under the revenue laws, in aid of that judicious and benevolent inquiry, in which, at the instance of his noble friend, a committee of their lordships was at present employed. In addition to this general view of their duties, and exclusive of those *primâ facie* grounds on which he (lord Holland) rested some suspicion of abuse, their lordships, without agreeing with him in that inference, would be justified in requiring further information on a subject on which they had so recently legislated, for the purpose of ascertaining the uses to which the new law had been applied, and the consequences it had produced; and this argument was yet more forcible, when he recollected the circumstances under which the act he had alluded to was passed, in a thin House, at the lag-end of a session, and without any one person to explain the nature of its provisions, or assign the reasons on which they were founded. In such manner, however, was an act altering the antient law of the land, giving to the silent and spontaneous act of one man, all the powers and consequences of a solemn proceeding of a grand jury, introduced and passed through parliament in the summer of 1808. When he recollected that to justify that extraordinary innovation, to lay grounds for that unexpected attack on the liberty of the subject, to prove the necessity of arming the Attorney General with the power of holding to bail, and in some cases, of imprisoning whomever he thought guilty of a libel; no papers were moved for, no inquiry instituted, no documents produced, nay, no statement whatever made, further than was to be found in the meagre, unsatisfactory, and unsubstantiated preamble of the Bill; when he recollected this, he felt that his expectation of his motion being acceded to by the supporters of that Bill, was rather a proof of his own simplicity, than a fair consequence to be drawn from the former conduct of those noble persons. He complimented them on their consistency in refusing all information respecting the consequence of a law, for the enactment of which they had assigned no reasons, and for the allegations in which they had adduced no evidence; but surely it was natural for their lordships, who, if they had reasons for adopting the law, must have adopted it for the purpose of preventing offences and securing the ends of public justice, to inquire whether those ends had been accomplished; to learn how often and with what effect the provisions of the new law had been resorted to; to ascertain whether libels had increased or diminished since these new powers had been granted; and, above all, to discover whether the convictions obtained bore a greater proportion to the informations laid, than they did before the latter were armed with such unusual, and, hitherto, unconstitutional consequences.—On such grounds, the House seemed to him called upon to adopt the motion which he should that night make; but he did not mean to disguise from their lordships, that he had further views in making it, that he thought other circumstances required inquiry, and that the information which his motion, if acceded to, would produce, would lead to the necessity of other proceedings. He would say little of his own motives in coming forward on the occasion, but he must trouble the House with one or two observations in disclaiming the intentions, which, he feared, those most adverse to his views, and those most eager in their condemnation of all prosecutions for libel, might concur in imputing to him. It was not his intention to meddle with the law of libel; as he should afterwards explain, h did not feel his knowledge of the law sufficient to justify him in attempting t do all which, according to his imperfec and perhaps theoretical view of the sub ject, he should think desirable to be don Indeed, limited as was the object of h motion, and even the measures he mean to build on it, it might well be asked ho and why he, who had neither learning no professional habits to give his opinion au thority, should venture to descend into field which was so much better adapted fo the display of those qualities, for which s many noble and learned lords in the Hous were eminently distinguished. He woul speak fairly on this subject, he would ow that if, on a review of our history, he ha found that all or even a large portion o the laws which had improved our con stitution, which had vindicated the right of the people, and which had purified th administration of justice, had originate from persons of that profession, or from individuals dignified with the honours o their profession, he should have fel abashed in coming forward on such sub jects; but the records of our legislatur proved, that our ancestors, though not in the profession of the law, had not hesitate to correct the abuses which had crept int it, and with few exceptions, that the mos eminent magistrates had seldom been forward in supporting, much less suggesting, those measures, which, when adopted, had become the theme of universal praise, and the most perfect models of our legislative wisdom. Withou going back to ship-money, dispensing power, and the opinion of the judges thereupon, he would confine himself strictly to such as were *in pari materiâ* with those which affected the liberty of the press. He had not, for instance, heard that, in the controversy in which Milton drew his formidable pen, the lawyers had particularly distinguished themselves against the practice of licensing books previous to publication. He did not find when the law by which that practice prevailed, first expired in Charles 2d's time, that it was the suggestion of the judges which occasioned its expiration. He could not learn what were the efforts made against it by the luminaries of the law, when it was revived under James the 2d. He thought he recollected that, at the final expiration of that pernicious and degrading custom in William 3d's time, the press did not receive the warmest support, nay, that it id not escape some degree of opposi- on from those to whom the execution f the laws was intrusted. Certain he as, that in latter times, the great and nportant victory obtained over corrupt sage and bad law, by an act, which he everenced, not less for its enactments han for its author, to which his learned iend near him had so eminently contri- uted, and which was commonly known y a name which was sufficient to revive n his mind the strongest emotions of eneration and gratitude; certain he was, at that great act, which restored juries o their rights, and rescued the press from ervitude and oppression, was carried rough that House, not at the instigation, ut in direct defiance of those who at that me presided in our courts of justice, and ho had recorded on their lordships' Jour- als, their opinion against a measure which, n its effects, as in its principles, was ac- nowledged to be among the most bene- ial laws that, in modern times, had re- eived the sanction of the legislature: deed, if he were disposed to dwell on o invidious a theme, he thought that, om the very nature of their stations, he ould deduce reasons why such laws arcely ever originated with the bench, nd might be considered as fortunate if ey did not receive active opposition om that quarter. Conscious (as he was ure the present judges, and, above all, is noble and learned friend, who with so uch advantage to the country presided at e King's-bench, must necessarily be) of e rectitude of their own intentions, they ust naturally be less aware than others f the evils of discretionary power; fully etermined not to abuse it, they were less kely to see the objection of the liability o abuse, which applies to all discretionary ower whatever, and for this reason were ttle disposed to suggest, and seldom ould be won to support, restraints on the xercise of authority. But such should ot be the feelings of a legislature, such as not the duty of parliament; and there e constitution had wisely, prudently, nd, perhaps, for this very reason, placed e right of legislation, of regulation, of orrection, instead of blindly surrender- g the enactment of laws to those whose rovince it was to execute them. He did ot, therefore, think that a member of that ouse was disqualified from offering an nendment in the laws, because he had ot been trained in the practice of them; at he felt his own personal inability too much to venture any extensive plan, and, indeed, he did not think that the occasion required it. He was not, therefore, about to propose any innovation in the principle of the law of libel; that law was not, in his view, perfect and faultless; but yet it might, and had been, administered without practical injustice; and though in his utopia, the punishment of libel might form a very short chapter indeed, he did not think himself warranted on this, or any other occasion, in making the remedy larger and more extensive than the evil. At the same time he must observe, that, in discussing any subject connected with the liberty of the press and the law of libel, it was necessary to keep in view those great principles which distinguished the crime of libel from most other offences. In one respect it was like treason; for treason and libel (he meant throughout public state libels, for private slander was a different, and in his mind a much more heinous offence), were both crimes directly against the government, in which the public prosecutor, and even the magistracy itself, were more or less the parties aggrieved. The wise institution of juries, especially since the Libel Act, in some measure provided for this difficulty; and in the cases of treason the merciful and enlightened law of this country had invented many fences against the hand of power, for the person accused. Yet, after all, the difficulty was more or less inherent in the nature of the thing; it must and it ever would be the bias of men entrusted with power, to confound successful but lawful opposition with treasonable resistance, and a powerful exposure of the follies or wickedness of ministers and men in power, with seditious libels and calumny. The ingenuity of man could not devise a system of law where in cases of this nature, he would not say the prejudice, but the inclination of those who were to execute the laws, was not generally to convict men accused of having transgressed them; and in libel it should further be observed, that contrary to all other crimes, that which approached the confines of guilt, was not only innocent, but meritorious and useful. Government could never feel an interest in proving a robbery on the man who had not robbed, but it might feel an interest in convicting a political writer of a libel which he had never written. The innocent might be deterred from indifferent actions by a fear of being suspected to commit a robbery or other offence; but this, though vexatious to individuals, would be no extensive injury to the community: but if writers, able to expose the imbecility of our councils, and to point out to the people and to parliament the cause of any public misfortune, were deterred by the apprehension of incurring the penalty of libelling, they would be deterred from a positive good—the community deprived of a real advantage—and the interests of the people deeply and perhaps irreparably injured. It was, after all, public discussion, open investigation of public affairs, and in one word, the liberty of the press, which formed the most salutary check on political men, on governments, and even on legislatures themselves. These were in his judgment principles never to be lost sight of, either in regulating or in executing the laws regarding that liberty; at least these were the principles which he had imbibed at the earliest period, and which he believed and trusted he should never abandon to the latest hour of his life. He had learnt them from the first authorities, and many of those who had supported them in this country drew from them consequences with respect to *Ex Officio* Informations much stronger than any which he should urge to their lordships. Indeed he knew that many had doubted the legality of *Ex Officio* Informations altogether. In such an abstruse point he was not competent to judge; he was almost ashamed of giving his opinion, for none of their lordships could think it worth hearing. He would however observe, that although they seemed to flow from an anomalous, perhaps a suspicious source, though they might come in the shape of civil actions from the Court of Exchequer, where he believed the first trace of them was to be found, yet that was at such a remote period, (Ed. 3.) and there was not only such a stream of precedent in their favour, but the legislature had so often by inference admitted, had so recently and in such good times regulated them, that he did not understand what constituted legality, if they were not legal, especially as, on the solemn argument upon their legality, the Court was unanimous in favour of them. He knew that on that occasion an *obiter dictum* of Lord Hale was quoted from memory by a counsel, but Lord Holt said, that Lord Hale blamed the abuse, and did not question the legality of informations; and even if it were otherwise, the *obiter dictum* of a man great as Lord Hale, (and a greater never adorned a court of justice in any country) was not sufficient to counteract the stream of uninterrupted precedent, the then admission, and the subsequent sanction, of parliament itself. He did therefore think they were legal, though he felt it presumptuous in him to say so much when he knew that such men as Glynn and Dunning, as well as others, had more recently questioned the principles and precedents on which they rested. The authority of these eminent men was yet more decidedly against the expediency and necessity of such a power being vested in the Attorney General. Many who now heard him might recollect, that on a motion of a near relation of a noble lord opposite, a minority of 78 voted in the other House for the suppression of that power; and that in that minority, besides other great names, were the distinguished lawyers, Serjeant Glynn, Mr. Wedderburn, and Mr. Dunning. The two last had risen to the highest judicial situations, and the last especially, (though he had not the good fortune of having known him) was by all who had lived with him acknowledged to be a man in legal acquirements equal to any that had preceded or followed him; in acuteness, subtlety, and argument unrivalled; and not less distinguished for his pure and ardent love of liberty than for his deep knowledge of the constitution of his country. The hon. and learned lord on the woolsack, had recently avowed that he was his tutor and preceptor in the law, and thought it no mean subject of boast that he was such a man's pupil and follower. This great man had thrown down the gauntlet, and offered to maintain in parliament or in courts of justice, that *Ex Officio* Informations were productive of nothing but mischief, were to all good purposes null and unnecessary, and were only calculated for oppression and abuse. Perhaps he was not far from agreeing with that opinion, but he did not mean to enforce it, or to avail himself of Mr. Dunning's great authority to urge the suppression of that power altogether. But he quoted him, and he quoted him with confidence, to protect him from the imputation of rashness in supposing that an enormous increase of a practice so liable to abuse called for inquiry. He sheltered himself under his authority in expressing an opinion far short of that eminent lawyer's on the subject, but he would acknowledge that if *Ex Officio* Informations conti-

ed to increase in number and to be
plied to such cases as they had been
late, the power had better be suppress-
altogether at the risk of government
sing the advantages, if any, which its ex-
cise might occasionally afford, than be
eserved at the much greater risk of sanc-
ning such abuse, and producing such
rdships and grievances as must result
the subject from it.

He came now more immediately to
e subject of his motion, and it would
rdly be necessary to explain the nature
that power which it was his object to
strain and regulate. He understood
at there were three modes of proceed-
g against libel, by civil action, by in-
ctment, and by information. The pro-
eding by civil action stood on other
inciples; it was for reparation of a private
mage or injury, not for a punishment of
fence. His motion had nothing to do with
nor did it regard the mode of proceed-
g by indictment, which was the regular,
e safe, the constitutional and true way,
nerally, of proceeding against any pub-
offence whatever—but of informations
ere were, he understood, two sorts, both
ading to a criminal trial before a petty
ry, without the intervention of a grand
ry, and the solemnities which attended
at previous proceeding. Both modes
information, in the Crown Office and by
e Attorney General, had once been to
actical purposes of a similar nature and
fect, but by a law of William and Mary
law the existence of which he trusted
ould not again be denied, as it had been
1808) the informations of the Crown
ffice were in effect confined to private
rosecutors, and were only granted by
ave of the court, which was in the habit
requiring many circumstances of ag-
avation before it complied with such an
plication. The same act required a recog-
zance (now much too small) from the
rosecutor, but as the crown could not
nter into recognizances, and the high
ffice of Attorney General was considered
less liable to abuse, and more exposed
responsibility and punishment if abused,
is Informations *Ex Officio* were left. The
rounds of that bill had been the numer-
us and vexatious prosecutions, and the ex-
ences to which parties had been put with-
ut being brought to trial, and other
rievances of a similar nature. Such were
e allegations in the preamble, and similar,
e contended, would be found the grounds
r some legislative interference on the subject of *Ex Officio* Informations now. That they were liable to abuse, no man could deny. Those who disapproved them and those who thought them necessary, must concur in thinking them anomalous, at least, in their nature, and peculiarly liable to abuse. Sir Matthew Hale, whose opinion of their illegality he had presumed to question, did certainly, not in an *obiter dictum*, not on the report of doubtful witnesses, but in his excellent and deliberate work of the Pleas of the Crown, distinctly imply his distrust of the uses to which they might be perverted; did in the most marked manner record his sense of the danger to which a frequent recurrence of them would be exposed. He says, on criminal informations, that two things are observable; 1st—That they are not applicable to cases where life or limb are affected. 2dly, That in all criminal prosecutions the most safe and regular method, and the most consonant to Magna Charta and the statutes of Edward 3d, is by the presentment or indictment of twelve sworn men. When this great lawyer says, that it is observable that informations will not lie for crimes affecting life or limb, he does not mean simply to inform his reader of that fact, for in the very page of the work he had told him that they would not; but he says it is observable, meaning that an inference is to be drawn from it; and what was that inference? Why unquestionably that the law itself felt and admitted, that such proceeding was less favourable to the subject than the mode of indictment; that it mercifully would not expose the limbs and lives of the people to the risks of this more summary proceeding, though in cases leading to less fatal consequences it might allow it to be occasionally resorted to. Yet even in these it is further observable, says that learned and excellent judge, that the most safe, regular, and constitutional method of proceeding, is by indictment of twelve sworn men. He saw the anomaly, he perceived the danger, he warned the public ministers, in that memorable passage, of the consequences of too frequent a use of this formidable weapon, with which the mercy of our law would not even entrust its officers in contests where the existence of the subject was at stake. Oh, but (it might be said) lord Hale was averse to these proceedings, because in his time they had been much abused in a way that the law has since regulated and remedied; besides, it might possibly be added, on the

authority of Roger North, Hale, though an excellent and upright man, was in all his judgments swayed by a bias to popularity, by a laudable but perhaps overstrained attachment to the principles of liberty. Be it so, and let us hear what the apologists, what the admirers of this power of filing *Ex Officio* Informations say, even when they are urging its propriety and necessity, of its nature and character. He would quote Blackstone, an author to whom all Englishmen were indebted for the perspicuity with which he had explained the laws of his country, but who was never accused of any violent spirit of reform, and whose book, with all its merits both of style and matter, was certainly a laboured, though in a great measure a just panegyric on the whole system of British jurisprudence. Blackstone was so attached to these Informations *Ex Officio*, that he alledges them (he read the words) " to " be necessary not only to the ease and safe- " ty but even to the very existence of the " executive government." He then had no undue bias against them; he at least might be heard as a competent and impartial judge as to the manner in which this power was to be executed, as to the nature of the offence against which it ought to be exclusively employed. He wished the House to attend to the words, and to bear in mind that they were the words of the defender of the powers at the very moment that he was vindicating them from the charge of illegality and supporting the necessity of their existence. He says then, " the object of the King's own " prosecutions filed *Ex Officio* by his own " Attorney General are properly such " enormous misdemeanors as peculiarly " tend to disturb or endanger his govern- " ment, or to molest him, or affront him in " the discharge of his royal functions. " For offences so high and dangerous, in " the punishment or prevention of which a " moment's delay would be fatal, the law " has given to the Crown the power of an " immediate prosecution." Here then was the admission of its supporter in aid of the argument drawn from the nature of so summary a proceeding, and from the authority of Lord Hale, that it was a power peculiarly liable to abuse; that if legal, if expedient, if useful, it was only so upon extraordinary and urgent occasions: that it was a weapon to be drawn only in moments of danger, but that could not be wielded on every slight occasion, without injury to the society. By this criterion, by judge Blackstone's own definition, let the late exercise of it be tried. Had it been a Goliath's sword which had never quitted the temple, but on great and critical occasions? Had it led to immediate punishments? His inquiries gave rise to a very different suspicion. He thought he could perceive in the frequency and nature of their exercise, that as informations had formerly been perverted from their lawful purposes to those first of extortion, and then of vexation, they had now been distorted to means of influence. If they were intended for the prosecution of offences in the punishment of which one moment's delay would be fatal, how and why did it happen that, between the filing of the information and the trial, not moments, not days, not terms, but months, and even years elapsed? How did it happen that after trial and conviction, weeks, months, and indefinite periods were suffered to elapse without bringing the criminals to judgment? Was not this a ground of suspicion? If this mode of proceeding had been resorted to, not for the punishment of offences, but for the prevention of lawful opposition in the periodical press, what other symptoms of that abuse would appear, but a long period between accusation and trial, between conviction and punishment? The power was confided for the better prosecution of enormous misdemeanours; had it not been used for the purpose of terrifying writers into compromise, compliance, and servility? These were surmises indeed, but they were surmises founded on facts which he would broadly state to the House. He meant the fact of increased frequency of *Ex Officio* Informations. He had procured an account, and it appeared that for seven years inclusive the *Ex Officio* Informations filed had been 14; that within the last 3 years there had been 42. What! had enormous misdemeanours, had offences in the punishment of which a moment's delay would be fatal, increased in a ratio of 8 to 1 in the course of these last three years, and if not, was there not reason to suspect abuse, when the principle on which the power of filing such informations was so notoriously and evidently departed from? If he was not mistaken no less than 26 were neither brought to punishment nor even to trial? Why then, either *Ex Officio* Informations had been applied to cases which in Blackstone's opinion did not justify a resort to them, or twenty six enormous misdemeanours threatening the state with destruction, twenty six offences in e punishment of which one moment's elay might be ruin, had escaped unpushed and untried, and yet the crown was n the head of our lawful sovereign, their rdships and parliament were in full possession of their privileges, and the constiition and the country had escaped revoluon and ruin, in spite of these successful and npunished crimes, with which they were ncompassed. It was preposterous to say iat such occasions only had drawn forth ie 42 *Ex Officio* Informations ; it would e childish and blind to notorious facts to eny, that they had been used for the purose of intimidation and of influence. le wished to avoid the mention of partiular instances, but when he found that in ome instances the subordinate agents, ie printer, the publisher, the editor, were iformed against, and the author allowed escape ; in others, all were proceeded gainst ; in others the authors only ; and hen he compared the cases in which e opposite principles of proceeding had een adopted, his suspicions were strongly nfirmed. The law undoubtedly enaled the crown to prosecute the writer, e publisher and vender of a libel, and iough he thought that power was given not exactly with the view, not exactly *intuitu* with which it had been often exrcised, yet he knew that many thought therwise. He had differed with many of is friends in private on this subject, and attled it with them, but he owned he was rprised to find that the ideal case, which iey had frequently selected, to expose the anger of his system, of dropping all proseution of the subordinate agents when the rincipal was discovered, had been really nd in earnest selected by the Attorney Geeral of this day to apply it. He then stated, iat during lord Grenville's administration iere had been but one information filed *Ex fficio* by his learned friend sir Arthur Pigott, to whom he must on many accounts alays feel the strongest private affection nd gratitude, but who was entitled to the ublic thanks of the country for his uniorm and upright conduct both in and out f office, and who was in his humble judgent one of the first ornaments of his rofession, and without exception as pure, s honourable and as constitutional a haracter as in the course of his life he ad ever been connected with. He was a ian he could not mention but to praise; e was one of whose merits he could never ay so much as from the bottom of his eart he thought they were intitled to. That constitutional lawyer had filed an information against the Morning Post for what appeared to him a libel of a nature to produce immediate mischief, perhaps mutiny itself, among our troops. It asserted that our troops were embarked in rotten transports, and it implied, at least so sir Arthur Piggott thought; that they were selected for the purpose because they were rotten and unsafe. If this were so, a worse libel there could not be, nor one which required more immediate prosecution. It happened, however, that before it came to trial the ministry was changed, and sir Vicary Gibbs, who succeeded his learned friend, entered very shortly afterwards a *noli prosequi ;* and why did he so? because the author was given up. But he begged leave to observe, that though his name was surrendered, he was stated to be abroad, and no further proceeding was instituted. He (lord Holland) approved as much, perhaps, more than any man of this principle ; he thought till this instance that he pushed it to the extreme, but then it must be impartially applied ; and when he found that in other instances, where the authors were known, the publishers, nay the printers, were selected by preference for prosecution and punishment, he could not help thinking some other motive, and not the principle so exclusively applied to the Morning Post, induced the Attorney General to adopt this conduct. If it was on the principle, it would have applied to all ; if it was accident, it at least was singular that it fell on a newspaper so professedly devoted to ministers. He would ask in Latin words, which he recollected somewhere, though he knew not where, *si justitiæ causâ cur non in omnes ? si misericordiæ cur in hunc?* Was it or was it not the Protestant Letters which atoned in the Attorney General's eyes for the crime of exciting our army to mutiny, by false reports and base and unfounded calumnies on the government ? When he perceived a vigilance, that in three years discovered near four times the number of heinous offences that his predecessors had detected in twice the time ; when he looked at his rigour on one hand, and the solitary instance of his mercy on the other, it would not be charity, it would be blindness, not to suspect ; it would not be candour, it would be hypocrisy, not to say that the Attorney General had exercised these powers for the purposes of influence, instead of confining them to the legitimate cases of necessity, for which alone they were entrusted to him. He wished the House to consider what was the effect of such Information, even where no sentence was passed, no verdict obtained, no trial instituted; the bare operation of an Attorney General so accusing a man, put him at once to an expence of from 60*l.* to 200*l.* without the possibility of being indemnified. It was to all intents and purposes a fine of that sum, at the discretion of the Attorney General to inflict as often as he chose, on every writer, proprietor, editor, or printer of a public newspaper.—Such a power might be right, might be necessary, but surely it was one, in the exercise of which the officer entrusted with it should be narrowly watched, according to every dictate of public prudence, and every maxim of our jealous constitution. He would not deny that other extraneous circumstances connected with the administration of justice, rendered this jealousy with respect to *Ex Officio* Informations more necessary in his mind, than at other periods.—He felt indeed that the power of imprisoning criminals in distant and different jails, was a power which resided in the courts of this kingdom, and which, it was proper on various considerations of policy, of safety, and in some cases of humanity too, should reside in the court which passed sentence upon them; he was far from accusing (God forbid he should) the present judges, of having intentionally abused that power, but he did humbly think, that in effect the imprisonment of individuals convicted of the same libel in distant and different jails had operated as a severe and as an unequal aggravation of punishment, and he could not but think that it was not (to use a law phrase again) *eo intuitu* that the judges were entrusted with it. Another point of a yet more delicate nature was Special Juries: on this much irritation, much suspicion, prevailed, he knew not whether it was founded, he was sure that, well or ill founded, it ought to be discussed and examined.—He, however, did not mean to say more of special juries than the law entitled him; for of special juries, he might observe, as lord Hale had observed of criminal informations, that they could not try cases in which life or limb were affected; and this was observable with regard to special juries, for the same reason that lord Hale said it was observable with respect to informations. The plain inference to be drawn from it was this, that special juries were less favourable to the defendant in criminal causes than common juries; and it is further worthy of remark, that till times comparatively recent, (he believed Geo. 2d's) special juries could only be obtained by consent of both parties. Now all criminal informations were tried by special juries, and it would be trifling with their lordships not to add, that strong and deep impressions had gone abroad, that there were even more reasons than the law contemplated for thinking them, as at present composed, less favourable to the subject than that which is enjoined by the constitution of the country in cases where life or limb are concerned.—These reasons, and the conviction that the punishment of libel differed from the punishment of all other crimes in this particular, that far from checking or diminishing the evil produced by that individual offence, it extended and aggravated it by giving a wider circulation, by publishing, if he might say so, a cheaper edition of the formidable paper, he felt that more than common pains should be taken to prevent the prosecutions by *Ex Officio* Informations, from being more frequent than prudence would dictate, or the exigency of the times absolutely require. On these grounds he should on some future occasion propose the following regulations. 1st, A limitation of the time at which it should be lawful to file Informations for libel, after the first publication; for it was surely obvious, that while the time was unlimited, every periodical work might be for an indefinite period entirely dependent on an Attorney General: 2dly, He should propose to fix a period at which the Attorney General should, after filing an Information, be compelled to bring the accused to trial, to drop the prosecution, or to assign reasons and ask leave of the court for further time to collect his witnesses: 3dly, He should wish to limit the period at which the persons convicted for state libels, should be liable to be called up for judgment; for a verdict in the present state of the law, might be perverted from the general purposes of punishment and example, into the means of intimidation and influence.—He should also move in the course of the session, unless such a measure came recommended from the other House, the repeal of that part of the 48th of the King, which gave to the Attorney General the power of holding to bail on *Ex-Officio* Informations for misdemeanors.—He was aware that there

ere two other remedies, one of which
as founded on substantial justice, and the
ther enjoined by the principles of the
onstitution, which he owed some apology
r not bringing forward. The first was
at to which our ancestors in William
d Mary's time resorted to on a similar
casion ; namely, some provision to in-
emnify those who were accused, and
ther not brought to trial or acquitted,
om the heavy and unjust losses they had
stained. But here he should be met
ith the principle that the crown paid no
osts, and though injustice could never
e right, he was not sufficiently acquainted
ith the practice of our laws to be able
estimate the consequences of intro-
ucing so new a principle into them, nor
et had he knowledge of details, or in-
enuity enough to devise a method of in-
emnifying such persons without doing
. If at any future period persons of
ore authority and more conversant with
e law should devise them, he should
ail the auspicious moment, and give such
umble support as he was able to a mea-
re which professed to adapt the views
f substantial justice, to the maxims and
ractices of English law in this particular.
he second mode, which according to
rict constitutional principles he ought to
dopt, was a censure on the Attorney
eneral.—But he would briefly state his
easons for not resorting to that mode of
roceeding. Exclusive of his respect for
e character of the individual, of whom
ough he knew nothing from personal
cquaintance, he had always heard the
ighest character for learning, for abili-
es, and for a disposition amiable in pri-
ate life, he did not wish to make it a
ersonal or a party question. He knew
at in that case, those who were attached
the learned gentleman by the ties of
rivate affection, those who were con-
ected with him in political sentiments,
ight feel themselves bound on this oc-
asion to defend, and might afterwards
ink that their efforts in his defence
ledged them to the support of the cause
which his interests were engaged.—His
bject was to avoid any such conse-
uences. He had not taken up the ques-
on in a party view, though he did not
ean to disapprove of party, which from
is soul he believed necessary in our
ixed constitution to preserve the rights
f the people, to resist the encroachment
f power, and to prevent the entire subver-
on of all authority but that of the crown.
But questions regarding the administration of justice should not lightly be mixed with party or political struggles. The sentiments he had expressed that night were not newly or suddenly taken up, he had always held the same principles, he had sometimes in that House, he had sometimes elsewhere, endeavoured to promote them, and whether supporting government or opposing it, he trusted he never should abandon or forget them. His lordship then proceeded to obviate some general objections, which he apprehended might be urged against any restraint or regulation on prosecutions for libel. He maintained that complaints of the increased licentiousness of the press had been common to all times, that it was always in the mouth of men in power and public characters, and that he could not fix on the period of our history when, if the testimony of cotemporaries was admitted, it would not be found that the licentiousness of the press had reached its summit. We should from this consideration listen to such suggestions with doubt; we might thus learn to calm and moderate our indignation at the productions of the press which offended us.—Viewed through the medium of a few years, libels at the time considered as atrocious often appeared innocent, and the punishment to which they had been exposed disproportionate to their guilt, and calculated to excite disgust at the laws rather than disapprobation of the libeller. Let us then ask ourselves, what will be the opinion of future times of those papers at which we feel indignation, and check our resentment by appealing as it were to the calmer judgment of posterity, collected from the manner in which we contemplate the conduct of those who went before us. We should indeed find that our best classical authors, Swift, Addison himself, Pope, might have been punished, if all that had been considered as libel had been tried, convicted, and condemned. Would any writer now be permitted to speak of a living judge, as Pope had done in the line,

Hard words and hanging, if your judge be Page?

He did not mean by this to justify the abuse of the press, God forbid! But he did mean to deprecate all passion and irritation in the punishment; he did mean to recommend an uncommon degree of temper, forbearance, or, if they would have it so, connivance, in the execution of the laws against state libel, for it was his conscientious conviction, that the prosecution and punishment of all that the law could construe into libel, would have the effect of degrading the press, and especially the periodical press; of deterring men of character and talent from becoming authors, and of throwing that powerful engine exclusively into the hands of the servile sycophants of power, or of needy adventurers of desperate fortunes, who having nothing to lose could only raise themselves to importance by slander, calumny, and falsehood. He ridiculed the notion that before the French revolution those liberties might be allowed with advantage which would be pernicious now, under circumstances so different from those which accompanied that event, and at the distance of ten or fifteen years. It was like the character in a popular farce who could make fine speeches, do grand things, and conduct himself with wisdom, propriety, and justice, before he had the measles, but seemed to think that having had that disorder fully accounted for and excused all his subsequent folly and incapacity. Among all the political crimes of our enemy, none in his opinion was more disgusting than his tyrannical restraint on the press. Englishmen might indeed, in a narrow view, feel some exultation, though not of a very philosophical nature, at the adoption of such measures by their enemy—for these shackles on liberty always proved restraints on the talents and exertions of the country in which they were imposed and endured; but if Buonaparté hated the liberty of the press in France, why, he would ask, should that which was his natural enemy elsewhere be branded as his friend in this country? Did the nature of things change from one side of the Channel or the other? Or was it to be supposed that even the grossest licentiousness of the press, licentiousness which would be hurtful to society, disgraceful to civilization, and cruel to individuals, would in this country, among a people so attached to their language and their habits, and justly inspired with such strong national pride, reconcile them to a foreign invader, make them prefer Frenchmen to Englishmen, and lead them to surrender their rights and their constitution to the tyranny of a foreign usurper. It was talking like children to hold such language and to express such preposterous apprehensions. Let us not load even wickedness itself with imputations to which it is not in truth exposed. The abuse of the press, libel, slander, and calumny, might be and had been productive of great injury to mankind; but never had there been an example of its reconciling a great and powerful nation to its enemies, of its paving the way to foreign dominion and usurpation. The antient republics, in which the most disgusting licence of speech was permitted, might, in the judgment of many men, have constituted unhappy societies, the indulgence of satire and slander led to ingratitude, to persecution, to injustice; but of all nations, those very states which had most extravagantly indulged in such excesses, and had most bitterly suffered for so doing, were those which had made the grandest efforts in proportion to their natural resources against foreign invasion and encroachments. In the French revolution itself, whatever the horrors of it might be, and whatever share the disgusting and defamatory libels with which the press then teemed, might have had in producing them, it would be untrue and therefore unjust even to them, to say that they palsied the efforts of the country, or assisted the cause of the foreign invaders. They might perhaps have contributed to the horrible bloodshed which, either in massacres or in judicial murders, flowed throughout that country during that dreadful period. But at least they did not enable the noble lord opposite to march to Paris, they did not prepare the people for submission to the duke of Brunswick or the Austrians. It was idle therefore to call the licentiousness of the press the ally of our enemy, and it was safer to revert to the sober and constitutional principle which had guided the wisest nation of the world, and had been well imitated by our ancestors, namely, that in such proportion as the exigencies of the state increase, in such proportion as the defence of the country calls for greater sacrifices, in such proportion also should increase our disposition to enlarge the privileges, to redress the wrongs, and even to regard with temper and indulgence the occasional excesses of liberty in the people. His lordship concluded by moving for, "An account of all Informations *Ex Officio* in cases of Libel, from the 1st of January 1801 to the 31st of December 1810, specifying when the same were filed by the Attorney-General, together with the Proceedings had thereupon and the dates thereof."

Lord *Ellenborough* had expected that, in bringing forward the motion, which had een just submitted to their lordships, the oble baron would have condescended to pecify some instances of abuse, oppres-on or grievance, as the foundation for uch a proceeding. He had listened with nxious and painful attention to the whole f the noble lord's speech, in which he ould find but one instance adduced as a roof of the abuses alleged to have pre-ailed, and even that instance was not on e side of severity—it was a case wherein *noli prosequi* was entered by the Attorney eneral in the progress of an information gainst the Morning Post. Was it then n account of such an exercise of discre-ion, at the side of lenity too, that their ordships were called upon to range hrough such a mass of papers as the notion comprehended? Was it on such round as this, that the files of the court f King's Bench were to be rummaged nd ransacked, that a mass of useless and nnecessary papers should be cast upon heir lordships' table? The motion of the oble baron, in extending to the last ten ears, included the period during which o humble an individual as himself had the onour of filling the situation of Attorney General. Whether the noble lord meant o refer to his conduct, he knew not; but s the noble lord was silent with respect o it, and made no allusion to it, he did not hink it necessary to defend what had not been attacked; at the same time he must say, in reference to those learned gentlemen who had succeeded him in that office, that their discharge of their public duty, and their discretion in the discharge of it, ought not to be put to the question upon grounds lightly or captiously taken up. He did not see why persons in such stations ought to be made the objects of invidious investigation, upon grounds of hazardous conjecture. As for the information desired, what could the noble lord learn from the documents he called for, which he did not know already? If there were any matter of special interest to which he was anxious to refer, every facility in his (lord Ellenborough's) power should not be wanting to the noble lord, to enable him to come at the required fact; but he was afraid that this was not the sort of facility that was either wished for or expected. He had reason to know that the facility with which inquiry in certain cases had been made and information gained, was painful to the parties making it. During the whole time, that he (lord Ellenborough) had presided in the court of King's Bench, he knew that the greatest facility existed in getting at the files of these *Ex Officio* Informations; and there was not a document of which the noble lord, and any one else, might not soon be in possession. But it was not a search for information that the noble lord proposed to himself; it was not in order to be informed, that he had made the present motion.

The noble lord had talked in a high tone of an *obiter dictum* of lord Hale's. If lord Hale had ever made the observation, which he (lord Ellenborough) believed he never had, his judgment must have been as dormant as, in such case, he must have wished the law itself to have been. But he never could have expressed any such opinion. It was not to be credited that a man so perfect in his knowledge of the laws and the constitution as lord Hale was, could possibly have done so. The law of Informations *Ex Officio* not the law of the land! What was law if this was not? for it had been made law by the same authority that had made all the laws that held the government together. It was as much law as that which gave the noble lord the right of speaking in that House—it was as much law, as the law which put the crown of this realm on the brow of the sovereign. He would recommend therefore to the noble lord to trace back the law of informations. He could recommend him a book upon that subject, and would refer him to the case to be found in page 119, of Shower's History of the Law of Informations. He would there find the law of informations to be as old as the common law. If the noble lord questioned the expediency of the law, why not propose that it be repealed? That would be the direct and manly course. Nothing could be more mischievous, than by declamatory speeches in that public assembly to impress upon the public mind the false notion that Informations *Ex Officio* were not perfectly legal. The noble lord may if he choose propose to amend the practice of filing *Ex Officio* Information; but that practice was conformable to law,—law undoubted, and recognised and indisputable, he should not venture to question its legality. (Here lord Holland intimated that he had never disputed its legality). True, the noble baron had not in words indeed questioned the legality of the practice, but the whole drift and spirit of his reasoning went directly to inforce the illegality of it. The authority of Mr. Dunning, unquestionably very high authority, and which had been so often cited by another noble lord, had been here mainly relied on against this law. He was certainly good authority, but not, perhaps, at the side at which he had been quoted, as he had himself taken an active part in libel prosecutions, and often pocketed the fees under this very law—(A laugh.)

But it seemed that it had been made more grievous by recent enactments. He had, he would confess, expected something from the noble lord that night against the Indictment Bill; and he was not disappointed. When he recollected the opposition made by the noble baron, he did not conceive that the opposition would rest there; in this too he was not deceived; for the whole speech of the noble baron that night was but a continuation of his former argument—a 'nec dum finitus Orestes.' It was scarcely necessary for him to inform their lordships, that the bill, to which he alluded as having been formerly opposed by the noble lord, was an act made within the last four years, giving the Attorney-General power to hold persons to bail, against whom Informations *Ex Officio* had been filed. On receiving notice of the noble lord's present motion, he was curious to know how often this bill had been acted on. He inspected the necessary documents accordingly. And now he would ask their lordships how often did they think this bill had been acted upon since its enactment? but once in the whole four years; there was but one solitary instance of its being acted upon—and he would tell their lordships in what case that was—the case of a man, one Gorman, who, being under prosecution for a libel, after an information had been filed against him, had the hardihood to publish it again. And yet this was the mighty abuse of that act; this, forsooth, was one of the ruinous stretches of power which threatened the government with subversion, and put the subjects of George the third on a par with those of Buonaparté! He knew nothing more to be deprecated in that House than violent and vague declamations, resting upon no grounds (hear! hear! from lord Holland.) He was aware to what he subjected himself by what had fallen from him. The noble lord might call all that he had said a mere tirade; but in all that he had said, did he not bottom himself on facts. (Hear! hear! from lord Holland.) The cries of the noble lord could not convince him that he had not. He was used to tumults and alarms—they never yet could put him down. Were he to die the next instant, he never would yield for one moment to tumult. The noble lord, if not towards him (Lord E.), might at least in courtesy towards the House, have adopted a different tone of exclamation. He repeated that he knew nothing more mischievous in its tendency than inoculating the public mind with groundless apprehensions of imaginary evils. Where there has appeared to him any instances of going beyond the limits of a wise discretion, it had never passed unbranded by him. His abhorrence of the licentiousness of the press was founded upon his love of liberty, which burned as strong in his breast as in that of the noble lord. If there was one mode more efficacious than another to ruin the liberty of the country, it was by generating that groundless distrust in the great officers of justice, which such needless and vexatious jealousy was calculated to inspire.

Lord *Holland* claimed of their lordships' justice, their attention for one moment. He appealed to their recollection, both as to what had been said by him, and as to the manner in which it had been attempted to be answered. He would not say, merely, that the learned lord had not stated the facts, but that he had stated what was directly contrary to the facts; the learned lord had charged him with denying the legality of *Ex Officio* Informations. He had not only not denied their legality, but had avowed his conviction of their legality. When the learned lord complained of want of courtesy, he should himself have shewn more courtesy to the recollection of the House (here lord Ellenborough motioned to rise.) The learned lord who had been so long in the habit of enforcing the laws elsewhere, ought to be, at least, so far skilled in the laws and orders of that House, as to know that no noble lord had a right to interrupt another while in the act of explanation. There were other points to which, in strict explanation, he could not now perhaps refer, though it did fall within the limits of general parliamentary explanation to advert to them. He had stated many other grounds, besides the solitary one commented on by the learned lord. Why was the learned lord wholly silent upon the increased numbers of informations which had been filed within a limited period? Was not this a ground, and had he not stated it?

ad he not also stated the time which in
any instances had been allowed to elapse
tween the filing of the information and
e trial? Was this no ground? Had he
t also mentioned the practice of hanging
er the heads of the persons accused, in-
rmations which had been afterwards
andoned? The learned lord's speech,
repeated, was throughout a complete
is-statement and misapprehension of his
cts and reasoning. He should reserve
hat else he had to say for his reply at
e end of the debate.

Lord *Ellenborough*, in explanation, said,
at while the noble lord was professing
t to dispute the legality of information,
was, in fact, questioning it.

Earl *Stanhope*, in justice to his noble
iend, could not help stating, that in point
fact he certainly did not question the
gality of Informations *Ex Officio*. What
did question, he did not believe even
e chief justice himself could contradict
m in, and that was, that the mode of
ercising the power of filing Informations
x *Officio* might be such as to become il-
gal. What! when those informations,
vented for the purposes of expedition,
ere suffered to hang protracted over the
ad of an individual, would any man say,
at such an exercise of them did not be-
me illegal? No man could say otherwise.
et this was all his noble friend asserted;
d the misrepresentation to which he had
een subjected must of course have arisen
om his being misunderstood. He had
serted, also, that the hanging those in-
rmations, suspended *in terrorem* over
e heads of individuals, an act so differ-
nt from their original intention, could be
one for no other earthly purpose than
at of upholding influence. To this no
nswer whatever was given; and yet his
oble friend was accused of uttering it
lightly and factiously," ("captiously,"
ross the table) well, no matter, they were
oth nearly the same (A laugh.) If he,
r instance, made any attack on the chief
stice, or attempted to give the noble and
arned lord on the woolsack a trimming,
o doubt in the estimation of them both
ere would not be a more "factious"
an in the kingdom than their humble
rvant. This was a very serious subject,
nd his noble friend had treated it as such;
e had quoted the opinion of Mr. Dunning,
e ablest lawyer that ever graced the
nglish bar, that *Ex Officio* Informations,
ough coming within the letter, did not
me within the spirit of the law, and ought to be done away with as they might in some instances become tyrannous and oppressive. It was agreed on all hands that abuses might creep into the system, and those abuses could only be stopped and corrected by parliamentary vigilance. One abuse, for instance, was the delay which had been already alluded to. This could only be encouraged for the purpose of undue influence. Their lordships ought carefully to distinguish between two species of libels. The one species was libels against individuals, and these it was their duty, as they regarded the prosperity, and honour and character of the country, to discourage. If such libels were suffered, society could not exist. Truth in such cases was no justification. He would put a case:—suppose a man was in the habit of getting continually drunk (a thing, by the bye, which he never did himself), and that a fellow in the street thought proper to follow him along the flags wherever he went, shouting it out all the road behind him: now here the charge might be very true; but still no one could say that the libeller was justifiable. The publication of such libels had a direct tendency to a breach of the peace; for every man could not be supposed to possess the politeness of lord Chesterfield, concerning whom, as connected with this subject, he would relate to them an anecdote. His lordship was walking along the flags, and an impudent fellow pushed him away, saying, "I never give the wall to a scoundrel." Lord Chesterfield immediately took off his hat, and making him a low bow, replied, "Sir, I always do." To the licentiousness of the press no man could be a greater enemy than himself; to its liberty no man could be a greater friend. All public questions ought to be open to the press; every subject connected with religion, philosophy, government, of the administration of justice, any thing which could by possibility be supposed connected with the benefit of the nation, ought to be duly and freely discusssed. This was his idea; and he thought at the same time also, that the licentiousness of the press was the deadliest enemy which its liberty had. He would give them an anecdote on this subject, and perhaps the best history of the country was the history of its anecdote. He had an old friend, an amiable, worthy, able man. This friend and he were always differing, but still he did not like him the less, because he knew he spoke from conscience; and when a man

does that he is entitled, if not to respect, at least to tolerance. They differed, among other things, about the press—he was a friend to its liberty—his friend argued for its restraint. He (lord S.) could not help, however, severely condemning some scandalous libels which were daily pouring forth at that period against lord Bute and the then princess of Wales; but his friend replied, "Oh! never mind them, only let them come to a proper height, and in time the evil will cure itself;" meaning thereby, that its licentiousness would at last come to such a pitch that its liberty must be checked in order to restrain it.

Lord *Erskine* said, that in his way of considering the subject before the House, it was not necessary that his noble friend, who had moved for the informations filed within the last ten years, should be able to establish by evidence a probable ground of abuse to entitle him to have the papers he asked for. It would be sufficient for him to show that from any cause, from the increase, for instance, of printing and of periodical publications, a very large body of the people were daily subject, in the exercise of useful and honest occupations, to a prosecution, not attempted to be vindicated by the greatest law authorities, but as an anomaly in the constitution for the punishment of enormous offenders against the very existence of the State. On this principle he admitted that Informations *Ex Officio* were as ancient as the law, and were suffered to remain by the statute of king William, when informations by the King's coroner were taken away. But if these informations, instead of being applicable as formerly to a very small number of persons upon extraordinary occasions, became applicable to ordinary abuses or mistakes by all persons engaged in printing, it became the duty of parliament to enter into an inquiry upon the subject, and even without the suggestion of an abuse, to provide a protection against State prosecutions for misdemeanors analogous to those which the statute law had long enacted for the security of persons arraigned for treasons against the State. In ordinary criminal cases, the law, though universally indulgent, thought it necessary to keep within limits the privileges of parties accused.—A man, accused of felony, may be prosecuted at any period. There is no statute of limitation to secure him when his witnesses may be absent or dead. He hears the indictment read for the first time by the clerk of the arraigns when he is put upon his trial; he has no copy of it delivered to him; he knows nothing of the case intended to be made against him; he is a stranger to the witnesses who are to prove it, and he can have no counsel to make his defence to the jury, but only to argue matters of law with the court. Such is the naked condition of a prisoner, when his adversary is a private man. But when he is accused of high treason, he is covered all over with the armour of the law. He has a giant to fight with when he has to encounter the whole weight and influence of the Crown, and he is protected accordingly. The indictment must be preferred within three years from the commission of the crime. Every principle of limitation of time, as enacted in cases of treasons, surely applies with tenfold force to prosecutions for libels, but above all to periodical publications. Treasons may be most secret, and most generally are so. They may not be discovered till long after three years; but still the law, in its general indulgence, imposes that limitation of time; treasons also, when discovered, oppose other difficulties to conviction. It may be much longer before the traitors can be detected, and longer still before evidence can be obtained. But libels in periodical publications are known to the crown the instant they are published, and government has already obtained laws which make known to them, immediately and universally, the responsible persons; the names of all the proprietors, publishers and printers, being registered in the stamp office, not only for purposes of revenue, but expressly for the detection of offences against the State. Upon what principle, then, ought such prosecutions to be delayed? There ought, on the contrary, to be a very short limitation of time indeed to prevent their being made instruments of terror, or of dangerous influence over the press. A copy of it must be delivered to him ten days before the trial. He must have the whole pannel of the jurors who are to try him, with their descriptions and places of abode, so as to entitle him to sift their characters for objections for cause, and even for 35 capricious challenges without any cause at all. If he dislikes the physiognomy of a juror, he sets him aside; he is entitled to full defence by two counsel to speak to the jury upon his whole case. The treason must be established by two witnesses, though one is sufficient to convict even in any other capital case;

d he must be brought to trial without
lay or be set at large. Nothing could
more striking than the illustration of
ese principles, in Hadfield's case, for
ooting at the King at the theatre. In
ost other countries he might have been
ampled under foot or carried to instant
ecution ; but here he was protected in
e manner he had described. Though
sanity was his defence, he was taken to
sane when he demanded all these pri-
ileges in open court, and he called upon
e court to assign him (Lord Erskine) to
ead for him, who had no privilege to re-
se it. Such examples, instead of weak-
ing government, was a bulwark to sup-
ort it. Now, why should not persons,
cused by the Attorney General, by *Ex*
ficio Information, have analogous protec-
ns. They have the same antagonist to
ght with, and why not the same armour
cover them? All the power and influ-
nce of government are exerted equally
ainst them, and the cases are precisely
e same, except that the crown does not
ht with weapons that are mortal; but
e wounds they inflict may be desperate.
ut they not only have not analogous pro-
ction, but they are exposed to greater
angers than in cases of ordinary crimes,
the abuse of special juries. He did
ot mean to complain of the institution,
ut to want of proper regulation. He had
ong had the greatest respect for many
entlemen who served upon them, but the
ost honest men were not equally fit for
l trusts. They were often deeply con-
ected with government, engaged in the
ollection of the revenue, and magistrates
every county in the kingdom. The
st was not returned by the Sheriff, but
as made up by the Master in the office
f the King's Bench. He did not believe
at an honester man existed than the in-
ividual who held that office, but that was
o answer to the subject who was cut off
om his choice out of the general mass of
e county where he is tried. He thought
erefore that it would not only be just,
ut the wisest policy, to take the whole
ubject into immediate consideration.
he administration of justice, to be useful,
ust be popular; and it never became
npopular but through abuse. He had
lways stood up for the character and
onour of the law as the sure foundation of
ll social order and happiness, but for
at very reason he would always give his
oice, by salutary improvements, to rescue
from suspicion and to deliver it from
eproach.

The *Lord Chancellor* observed, that he could say with his noble friend that he also felt grateful for the honours with which a gracious master had rewarded his humble services; and that humble as his efforts might have been, those who were to inherit those honours from him would know that he had done his duty. As to the distinctions which had been drawn between the proceedings in the case of treason and libel, it should be remembered that in the former the accusation rests upon general principles—in the latter upon an alledged specific fact. He believed that no Attorney General had prosecuted more libels than it had fallen to his lot to prosecute when he held that office. He acted on a conviction at that time, certainly, that the publication of libel was one of the most formidable weapons then wielded against the constitution; and that it was an engine which was directed to the subversion of the government of the country. It was grateful to him to reflect that he had, by his conduct then, done his part towards its preservation. As to what had been introduced on the subject of special juries, he could not perceive how that was at all connected with the object of the noble baron's motion; but he would remind the House, that if any alteration was attempted in the present mode of regulating special juries, the same principle would equally apply to some change in the system of summoning common juries, who were all returned at the discretion of the Sheriff. (Hear, hear!) He did not know the meaning of this exclamation, but he could assure noble lords he spoke for the purpose of being heard. It was his decided opinion, that the mere fact of the number of prosecutions having increased, by a considerable number, in the last ten years, was not a sufficient ground for inducing them to accede to the motion of the noble lord. He must do that noble lord the justice to say, that he had, when the late act respecting *Ex Officio* Informations, authorising the Attorney General to hold persons against whom they may be filed to bail, was first introduced, given to it his strongest opposition. He himself unquestionably had approved of it, possibly from prejudice, and possibly from the esteem in which he held its authors. He knew well that the person who now filled the office of Attorney General, for whom he felt the most sincere respect, had been greatly misrepresented. This, however, he did not lament—it was the natural and necessary consequence of the authority which he exercised, and it was also the privilege of a free people to view with distrust, and even with dislike, the necessary exercise of that authority. At the same time he must say, that a great deal of misconception prevailed in the public mind on the subject, that if well and truly understood, it would appear that no public officer holding the same trust had ever displayed a larger portion of mildness and forbearance.—It would be seen that he was the most forbearing prosecutor in the kingdom. If the cases demanding the filing of *Ex Officio* Informations for the last 29 years were laid before the House, they would be astonished at the forbearance of that officer. The House would see that the Attorney General not only did not, but that he dared not use that species of oppression imputed to him. His trust was of a description which it was not under the circumstances of the responsibility which he incurred, probable, if possible, that he should venture to abuse.

Much had been said by the noble lord (Holland) of the great legal authorities that had set themselves against the general principle of *Ex Officio* Informations. The practice of filing these informations, he would readily admit, was always most unpopular, and, in the course of his professional pursuits, he knew many young men who were, when called to the bar, most eloquent in their condemnation of it. Somehow or other, however, he afterwards found, that when those very men were employed by government and taken into consultations, that all the odiousness of the practice vanished from before their eyes. However warmly they might have contended against these informations when engaged against the crown officers, there was, he believed, no instance of their refusing the Attorney General their assistance, whenever he invited it, in carrying on the same *Ex Officio* Informations. After all the statements which had been made of the rigour exercised by virtue of the late act, only one person had been held to bail, and it was in that aggravated case of an immediate re-publication of the libel, which had been already noticed. He recollected well, that when he was Attorney General, a singular mode of doing the same thing was practised. As the prosecutor of a libel, he was obliged to state the libellous matter in the record, and this record of the indictment was, in many instances, itself immediately published, and the circulation of the libel thus ingeniously extended. It was impossible not to be amused at the contrivance, but it was an evil which imperiously required a remedy. With respect to the circumstance of the Morning Post, he was desirous of stating that the principle which governed him, on those occasions, was to prosecute all the parties implicated in the publication of the libel, and he had uniformly found, that, by extinguishing the papers, he got rid of the authors. He must oppose the motion, because the very adoption of it would in some degree sanction a suspicion that there was something improper in the administration of justice. The substantial interests of the public required that they should give every *prima facie* presumption that persons who filled offices of trust, particularly those relating to the administration of the laws, discharged them with fidelity and integrity; and no clamours should be excited against them, except in cases of such aggravated misconduct as called for the severest reprobation. As for the general topic of the liberty of the press, he would be judged by his acts what his sentiments were on that subject.

The Earl of *Grosvenor* observed, that after the able speech of the noble baron near him, it was unnecessary for him to obtrude a single word on their lordships. That speech had remained unanswered and unanswerable; except the misrepresentation of the noble and learned lord (Ellenborough) could be considered as an answer. He felt the deepest regret at hearing the sentiments that fell from that noble person. He thought that his noble friend had laid before the House good and substantial grounds for his motion, and he should, therefore, support it. Enough had been stated to justify an investigation into the practice of the Attorney General's office.

Lord *Redesdale* said, that as it had not been his lot to institute any prosecutions for libel, while he was Attorney General, he could at least give an unbiassed vote on this occasion. From his acquaintance with the gentleman who now filled that office, he was enabled to say, that he was sure no man could feel more pain than he did in discharging the irksome duties of his situation. It had been insinuated, that he acted by the advice and under the direction of ministers; he would not deny that this might be sometimes the case; but it ought be remembered, that he alone was re- onsible. If any blame was intended to cast on him therefore, it should be done rectly and explicitly. If it was the ob- ct of the noble mover merely to regulate e law as it now stood, this might be ef- cted without the production of the docu- ent for which he had moved. Upon the neral subject of the freedom of the press, had been said, that where this freedom isted, no despotic government could long and, and that without it no free state uld long maintain its independence. this was true, how powerful an engine ust it be, and how careful ought not ery legislature to be to prevent its ex- eding its proper bounds! And could y man assert that the press was not now ee in this country? With the exam- es before them of its licentiousness, could y noble lord seriously say, that the re- rictions of the law had operated to crush annihilate a due spirit of free discussion? ithout some means of prosecution it uld be vain to deprecate that licenti- sness which existed now, and, perhaps, d always existed, and he was not dis- sed to think the law in its present state rsher than was necessary for the attain- ent of this purpose. If, however, the ble lord (Holland) was impressed with unfavourable opinion of it, the most di- ct and proper mode would undoubtedly e to-propose at once either a total repeal of e existing law or some modification of it.

The Marquis of *Lansdowne* said, that af- r the very able and eloquent manner in hich the subject under discussion had en treated by noble lords of distinguished lents and learning, he could have been ell satisfied without offering himself to e attention of the House. But, as he as anxious that the vote which he should ve, if his noble friend (Holland) should vide the House, might be subject to no isconception, he begged shortly to state e grounds on which that vote would be ven. And he was the more anxious to clearly understood, after witnessing the tent of that misconception which pre- iled in the mind of the noble and learned rd (Ellenborough), upon what had fallen om his noble friend. Feeling, as he did, at the English language did not afford rms of sufficient energy and expression enable him to signify the surprise he lt at that misconception and misrepre- ntation, he wished to guard particularly gainst a similar danger. He fully con- rred in the opinions of the learned lords who had spoken that night, that the process by Information *Ex Officio* was sanctioned by the whole practice of the constitution, and bottomed on the earliest precedents of our history. He would go farther, and say, that he believed it to be a most necessary and indispensable instrument of the government. He had, during the short time he had passed in office, seen abundant evidence of the expediency of this mode of proceeding in cases connected with the execution of the revenue laws. Such a power he therefore conceived was wisely and properly lodged in the hands of the officers of the crown. But did any thing which his noble friend had said tend to question this proposition? So far from it, he frankly and distinctly made this acknowledgment, and confined his motion to an inquiry whether this in itself just and necessary power, had not been in its exercise misapplied. In support of the grounds which he laid for this motion, his noble friend quoted the opinions of lord Hale and Mr. Justice Blackstone—opinions which had scarcely been noticed, much less controverted by the noble and learned lords. His noble friend quoted those opinions in order to shew that the mode of prosecution by Information *Ex Officio*, regular and constitutional as it was, was at the same time a mode originally intended to be adopted only on certain especial and urgent occasions. He had listened with the deepest attention to the speeches of noble and learned lords, in expectation of hearing something that should controvert this doctrine. But no attempt whatever had been made by them for this purpose. The noble and learned lord (Ellenborough) on the contrary, confined his exertions to the combating positions of his own, instead of those of his adversary, and he felt himself therefore justified in assuming, that Hale and Blackstone were right, since nothing had been offered to demonstrate that they were wrong. If then Mr. Justice Blackstone had described Informations *Ex Officio* as a mode of proceeding of a most summary and peculiar character, not easily to be reconciled to the general spirit of the constitution, as an instrument in the hands of the crown to enable it to interpose in cases of enormous crimes, threatening immediate danger or ruin to the state;—and if the object of his noble friend, on understanding that in the course of three years 42 criminal informations had been filed *Ex Officio*, when during the six preceding years the number was but sixteen, was to procure an authentic statement of this fact, with what truth or propriety could he be charged either with irregularity or want of candour? Was not this the ordinary established form of proceeding for the purposes of parliamentary investigation; and in what other manner was it possible to discover whether any power had been abused? His noble friend had laid a broad and distinct ground on which it became the duty of the House to inquire whether the increased number of prosecutions sprung from the law itself, or from the misapplication of it. The effect of his motion could not be mischievous—it might be highly beneficial. It was at all periods beneficial to satisfy and assure the public mind; to dissipate its doubts, and extinguish its suspicions. If an extraordinary authority was exercised, the country ought to be convinced that it was not exercised except on principles of just government and imperious necessity. If then the motion should have the consequence of establishing this conviction, it would have a salutary operation; if, on the other hand, it should be followed by the detection of abuse, it would be a disrespect to the noble and learned lords opposite to him, to suppose, that they would not gladly co-operate in its exposure and condemnation, and in the task of bringing back the law to its ancient standard. When such a statement as had been made was before them, of the extent to which criminal informations had been carried, it behoved that House to consider well the nature of this spreading innovation, and its possible tendency to supersede grand juries altogether. It was certainly not the rule of the House to reject a motion for the production of papers, on the principle that the papers were already accessible to every body. It was always held necessary that such documents should be put on their own records, before any legislative step could be taken respecting them. So much for the form; in substance the motion went only to inquire into the cause of the vast increase of late years in the number of prosecutions for libel. In voting for this inquiry, he did not feel himself pledged to any subsequent proceeding; they were discussing at present nothing more than the propriety of the inquiry—of an inquiry suggested by those wise feelings of constitutional jealousy which had hitherto proved the safeguard of all the liberties we enjoy.

The earl of *Liverpool* said, that the same motives which induced the noble lord to give his reasons for voting in favour of the motion, prevailed with him to give his reasons for voting against it. The motion was for information, and the question which would naturally suggest itself upon this was, whether such information was necessary or not? It appeared to him that it was not necessary: for every information of this kind could be obtained by other means than an application to parliament. He knew perfectly well, that, if it was in contemplation to follow up the motion by any parliamentary proceeding, such an application should be made; but when the operation of the motion was to bring suspicion on the administration of justice, which he agreed ought not even to be suspected, when this was the case, he must say that the course for the noble lord would be to select any prosecution of which he complained as oppressive, and then to make his motion for inquiry. To tell them that the prosecutions for the three last years exceeded in number the prosecutions of former years, was telling them nothing; it might proceed from different causes, from the diffusion of learning, or even from the circumstance of too great lenity having been shewn before. He believed if they looked to the libels of different times, they would find that they were much the same, or perhaps if they differed in any thing, they were worse in former times: but after this admission he must observe, that though perhaps in particular instances the evil was not as great, yet the extent to which it was carried, in those times, required a more vigorous prosecution. The frequency of libels in modern times, arose out of the progress of civilization. Publications of all kinds became more numerous than formerly, and libels also might be expected to multiply; but when it was said that the prosecutions of the Attorney-General were subjects of such universal complaint, he believed that if the complaints were collected, it would be found that the far greater number charged him with too much lenity. He would refer for the character of his prosecutions to their results, to the decisions of the juries upon them, and they would find that of all the prosecutions actually brought to trial, only two had failed. It might be necessary for the peace of the country that prosecutions should increase. The House in the exercise of its constituional duty was undoubtedly bound to look with jealousy, but it was also bound to give support to the administration of justice. With respect to the case of the Morning Post, it did not bear upon the point; it had been cited as an instance of partiality, but in order to prove that, it was necessary to shew that a course was adopted in that case which was not adopted in any other; but the same Attorney-General had acted in a similar manner in other cases, which was an answer to the charge. He knew that many were of opinion that, if the author was given up, the printer should not be prosecuted; the noble lord opposite (lord Holland) thought so; his noble and learned friend near him (lord Ellenborough) thought the contrary; but he believed that the truth lay between both, and that it was not possible to make any general rule which should be considered a sufficient guide without any view to the circumstances. He had witnessed the zeal of the Attorney-General in his office, and was sure there was no man whose mind was less under the influence of oppressive inclination, or who discharged the duties of his situation more faithfully; the country owed him great obligations, and was indebted to him for adding greatly to the true and genuine liberty of the press.

Lord *Holland* rose in reply and said: My Lords; I rose before to claim of your lordships' justice the right of explanation. I rise now to ask of your courtesy that which is never refused to the mover of a question, the privilege of saying a few words, at the close of a debate, on what has passed in the course of it. I cannot, however, pretend that I rise to reply, for what arguments have been adduced by the other side that have not been answered by my noble friends, that have not been triumphantly exposed and refuted in the excellent speech of my noble relation (the marquis of Lansdown)? Any observation on objections so refuted would be ill-judged and unnecessary; and yet, my Lords, I must trespass for a few minutes on your time, for I feel myself called upon, not, indeed, to answer arguments, but to repel accusations and charges; not to combat objections to my motion, but to vindicate my character from aspersions which have been thrown out, I will not say in a disorderly and unparliamentary manner, but, at least, in a style and tone which, fortunately for the dignity of your deliberations, is rare and unusual in this House. I have been told, not by inference, but in direct terms, that I am captious, that I am passionate, that I am indirect and unmanly. I profess not the temper of bearing such charges with equanimity, and if I were to disguise my astonishment, and, I will say, my indignation, at hearing them brought against me, I should, in fact, prove myself guilty of that insincerity with which I am charged. With respect to the vehemence or passion with which I may have expressed myself, I should have hoped that the learned lord would have had the charity to recollect that I never had the advantages of those judicial habits from which he has profited so much, and which, as they require from him, so they have, no doubt, taught him that calmness and composure of manner for which he is so remarkable. The practice of such duties, and the exercise of such temper as those duties require, can alone bring the feelings of men to so perfect a state of discipline, and produce, even in the delivery of their strongest opinions, that dignified and dispassionate tone which adds a grace to all the noble and learned lord's public appearances, and has so eminently distinguished his conduct on this night's debate. I fear, my Lords, I shall never attain that composure of manner and command of temper of which the noble and learned lord inculcates the necessity full as much as he affords the example. Indeed, I must acknowledge that I shall not even aspire to emulate the model he holds out to me, and while I admire his precepts, must confess that I have no ambition to follow his example. While, therefore, he retains all the advantages which his approbation of that virtue joined to his practice of it, intitles him to, I shall content myself with intreating your lordships not to impute any unbecoming violence or impetuosity to me, if, convinced of the existence of abuse, I am anxious to detect it; and if, having detected it, I am earnest in soliciting measures of correction and regulation. The noble and learned lord has talked in a high strain of his own heroic contempt of clamour. He has held up to your lordships' admiration his inflexible firmness of character, and his glowing, though rational love of liberty. All this may be so, and I give him credit for the sentiments which he professes; but though I may vaunt less loudly my contempt of clamour, I will tell the noble lord, that unfounded accusation and intemperate virulence of language, be they clamour or be they not, come they from a mob or from an individual, or from what quarter they may, will not deter me from doing my duty in this House, nor, I trust, prevent one member of it from voting for such inquiry, regulation, or even reform, as he in his conscience thinks beneficial to the country. The invective, which has nothing to recommend it but authority, is as much clamour as the cries and shouts of a mob, and I hope, that, till I hear facts and arguments against the measures I recommend, I shall have the courage and honesty to treat the assailants of them, be they who they may, with a due portion of that feeling which the noble and learned lord so properly reserves for all clamour unfounded in reason.

But, my Lords, the motion of this night is not a motion of reform; it is simply a motion for papers, for documents, for information and evidence on which to proceed; and, forsooth, on that very account it is unmanly! it is indirect! Such a charge is not very usual—is it very orderly in this House? Is any peer to be lightly accused of proposing one thing and meaning another? For myself, how far my general character warrants such an imputation, I must leave to those who know me best to decide; but I will say, with confidence, perhaps it may be thought with arrogance, that, on that point, I would hardly decline being tried by my enemies themselves. But, exclusive of my own character, where are the grounds, where is the sense of the learned lord's accusation? What so common, what so reasonable as seeking for the evidence on which the propriety of measures one wishes to recommend must necessarily rest? What is there unmanly in this? Have I disguised my objects; have I not rather detained, and, I fear, wearied your lordships with the detail of them? I think, indeed, that, even without concurring with me in those objects, the House should procure the information I ask for; but I have not concealed what is my view of that information, or what are the measures I should ground upon it. In this, then, there is nothing insincere, nothing indirect. If the learned lord objects to it on that score, he must object to proceedings in Parliament without end. Did he never read a remedial statute? Does he suppose that the abuses which such statutes correct, that the grievances which such statutes remove, are not ascertained before they are recited and acted upon? and why, when I have a measure of remedy and precaution in view, is it unmanly or indirect in me to move for the proof of the evil which I endeavour to correct? It is by the statute of William and Mary (which, though the noble lord once denied the existence of it, I make no doubt he is now well acquainted with); it is by the precedent of that statute that I wish to be guided. That statute states in the preamble, that "vexatious prosecutions on criminal informations had frequently occurred of late, by which parties had been put to great expence, &c. &c." And then proceeds to provide such measures as might prevent the recurrence of the abuse. So I, who mean to recommend to your lordships some legislative measures in consequence of the increased frequency of one particular description of prosecutions, the *Ex Officio* Informations, think it neither indirect nor unreasonable to call for information of the numbers of such informations that have been filed of late years—to this object the motion is confined; and while I have in view some further regulation, I begin in the first instance by laying my ground, and ascertaining the facts on which the propriety of that regulation must rest. The noble and learned lord further says that he has paid painful attention to my speech, and found it, as he foresaw it would be, a continuation of my former argument, a mere *nondum finitus Orestes*, as he is pleased sarcastically to term it. It is a pity the noble lord's memory should be as treacherous as his attention is unavailing. In spite of the one he has misapprehended, as your lordships must all have seen, every word I have spoken this night, and I can assure your lordships that in the exercise of the other, his statement of what passed three years ago is as incorrect, is as directly the reverse of what I did say, as his representations of my arguments this night.—The discussions on the Bill of 1808 are fresh in my recollection; they made a deep impression on my mind, a deeper, perhaps, than the noble and learned lord could wish, or was aware of; there were circumstances in those discussions not easily forgotten. The noble and learned lord interrupted me on that occasion to deny the existence of a law, to which I was referring; a law which, in spite of such interruption, still remained and remains unrepealed on the statute books; a law which the noble and learned lord who first denied s existence, and then maintained its desue- de, actually executes every term, or if he oes not execute, is impeachable and punish- ole for a neglect of his judicial duties. I re- ember these things, and I speak before nother learned lord who must remember hem too, and will set me right if my memory incorrect, I mean the noble and learned rd on the woolsack.—To him, though I o often differ with him, though I have requently and recently felt it my duty to rraign his public conduct. To him I onfidently appeal—for no man is more ttentive, more patiently attentive to e arguments of his adversary, and no an (I am ready and happy to bear my stimony to that truth) more fair, more andid, more acute, and yet more cour- eous in his way of contending with them. o him I appeal then as to what passed on at night, and as to the arguments which e noble and learned lord has imputed to e.—I opposed that bill *in toto*. The oble and learned lord on the woolsack, xplained one part of the bill to which I ad objected, to my satisfaction, and to at part I withdrew, as in duty and con- cience I was bound to withdraw, my pposition; but for the other part which ave the new power of holding persons to ail on *Ex Officio* Informations, I heard no xplanation, no apology, no reason, nor ave I since heard one word to prove its ustice, or its necessity.—I opposed it herefore in every stage, but I never used he arguments or expressions which the oble and learned lord (Ellenborough) as supposed, nor any thing like them.— o far from indulging in the hyperbolical train, which the learned lord's fancy and ot his memory repeats, the argument I id use was at variance with that which he uts into my mouth; far from foretelling he immediate downfall of King, Lords, nd Commons, from the bill, I distinctly tated, that I apprehended no immediate onsequences, good, bad, or indifferent, rom the law, but that it was the principle, t was the use to which in bad times it night, and would be applied, that my ears were directed to; and though it is now wo or three years ago, it so happens that I ecollect the very metaphor I used, though ot certainly a very happy or a very new ne, but it illustrates the truth of my state- nent. It was, as far as I can recollect my xpression, this, "that the law would re- nain long torpid in your statute book, ut it would lie there fraught with a enom, which the accidental heat of factious and turbulent times might at some future period draw forth into action." Yet the noble lord is pleased to indulge his pleasantry and sarcasm by imputing to me a prophecy of immediate tyranny which I never uttered, and banters me with wonderful self-complacency at its not being accomplished! Once for all, I never professed one of the principles against which the noble lord inveighs; I never used one of the arguments which the noble and learned lord refutes; I never made one of the statements which the noble and learned lord ridicules. He may attack them, he may answer them, he may expose them, but he has no right to impute them to me, or to think he is answering what I formerly said or have this night said on the subject. The noble Secretary of State too makes an ingenious and able defence, but it is the defence of a place that has not been attacked. No inference, says he, is to be drawn from the increase of prosecutions, because we all know how publications are increased, and the proportion prosecutions bear to them may not be greater now than formerly.—Be it so; but we were not talking of the increase of prosecutions in general; I am moving for the number of Informations *Ex Officio*, and I will ask him this; if they have increased in number within these last three years, and not only in number but in proportion too, to other modes of prosecution, will he say that no inference is to be drawn from that? If he does, will he tell me from what possible facts inferences of this nature are to be drawn? Well, but, says another learned lord (Redesdale) after all the Attorney General is responsible, and solely responsible, for the exercise of this duty. I must say, by the bye, I was glad to hear this avowal, though I do not see how it made for the learned lord's argument, or justified his vote against inquiry; however I was glad to hear it, for the habit, apparently generous, but really artful and pernicious, of every man in office starting up to share the responsibility of a colleague in an act in which he is the only official agent; this habit, I say, or rather this trick, this cant, this jargon, has a tendency to fritter away all responsibility whatever, and to render that great security of our liberties a mere dead letter in the constitution.—On this responsibility the learned lord on the woolsack states that he, when Attorney General, did many things which he justly says I should disapprove, but which he assures the House, were more severe than any now resorted to by his successor; and he alludes more particularly to his punishing printers and publishers as severely, or at least as uniformly as authors. I am certainly not disposed to compliment that learned lord, on that part of his political life, and still less to speak with respect of those times and those proceedings, but yet this I must say, that the times were peculiar, that many independent and good men thought they justified a deviation from common rules, and as far as the subject now before us is affected, parliament itself had by inquiries, committees, legislative acts, and other proceedings, (whether wisely or not, is not now the question) expressed its opinion that offences of this nature had increased, and that extraordinary vigilance and even severity should be resorted to. Parliament then was not likely to notice any increase of prosecutions which it had itself encouraged and sanctioned. The same causes which had led to the increased number of prosecutions, did lead to alarms in parliament, to committees, to laws, and to other proceedings. Parliament in its own conduct recognized causes which might well occasion an additional number of prosecutions, but that is not the case now, nor is it a reason why with the unexplained fact that *Ex Officio* Informations are now increased in the proportion of 8 to 1, in the course of three years, we should take no step, and should not even inquire whether this phœnomenon proceeds from an increase of offences which might require additional laws to put them down, or an abuse of authority which might call for some censure to punish it, or some regulation to restrain it in future. I do indeed differ with the noble and learned lord; I am not for punishing author, printer, and publisher of a libel. The law it seems to me should take no cognizance of the latter but for the purpose of coming at the former. A contrary system acts as a system of terror on printers and booksellers, and may defraud the public of works not only innocent but useful, by deterring the intermediate agents from printing and publishing a book which their ignorance, or their timidity, may lead them erroneously to deem libellous. I did not disapprove of the principle on which the prosecution of the Morning Post was dropped; but if it was applicable to others and applied only to him, it is surely a presumption of partiality, it is a sort of *primâ facie* evidence against the Attorney General. More than *primâ facie* evidence, I never thought of bringing against that gentleman, whom I do not know personally, but whom all I have heard of him in private would lead me to respect; but I stated my case, and it has not been controverted. I stated that the number of *Ex Officio* Informations had increased in a proportion of 8 to 1.—I repeat it then, this amounts to *primâ facie* evidence, and surely the noble and learned lord on the woolsack, who talks with complacency of prosecuting publishers, printers and proprietors, as well as authors, will have no objection to *primâ facie* evidence. I only urge it as sufficient for parliamentary inquiry, but to support his doctrines he must contend that it justifies legal prosecution and punishment. I am asked where I learnt that Mr. Dunning's opinion was against *Ex Officio* Informations, and I am told, that he did not object to taking fees for them. Pitiful answer to my quotation of his authority! I care not whether he took fees, or what he maintained or did, as an advocate, but as a member of parliament (and a better never sat in the House of Commons) he spoke and voted on the motion of Mr. Constantine Phipps against them, and with him voted, serjeant Glynn, that excellent man Sir George Savile, and Mr. Burke, and no less than 78 of the most respectable members of that time, they voted I believe for the suppression of *Ex Officio* Informations; they spoke, I know, against both the expediency and legality of them, and while I disclaim that objection to the mode of proceeding, I cannot believe that the origin of a practice is quite so pure, or the principle so obviously sound, as the noble and learned lords would persuade us, when I see such a man as Mr. Dunning, and as others I could mention, disposed to call it in question. With respect to special juries I will say nothing more, perhaps it would have been more discreet to have said nothing, but thus much I must repeat, that as they are in the eye of the law itself less favourable to the defendant in criminal prosecutions, it behoves parliament to be more vigilant, more ready to institute inquiry, and to afford as much protection as the safety of the state will allow to such offences as are exclusively exposed to be tried by the less favourable tribunal. They add a link to the peculiar difficulties with which persons charged with libel have to contend, and when I see the temper in which me men discuss these subjects, when I flect on the sort of law which is fashion-le, which is afloat on these matters, not erely among the vulgar and idle talkers, ot in the mouth of heedless and insig-ficant men, but in that of grave charac-rs invested with authority, I own I am xious that all encroachment on the eedom of the press should be jealously atched, and studiously guarded against y Parliament. When for instance I hear a notion, that libels* may be stopped y an injunction from Chancery; that ublications, by which individuals may ink that their feelings would be hurt, ay be stifled in embryo at the will of a rown lawyer, in short that the Great eal may in effect exercise that *impri-atur* which our ancestors wrested from e crown, and which, revived in any hape, would be sufficient to check the rogress of all knowledge and to subvert ll liberty:—when I hear of such things I o not think the press in that perfect state security which some men would per-uade us, and I am sure the only way of reserving that security is, by evincing ere, here in parliament, an anxious, alous, and uniform attention to all that oncerns it.—My lords, I do not mean to llude to the noble and learned lord on he woolsack, such a notion I am well ersuaded never passed his lips nor en-ered his head. Whatever may be the aw afloat on the subject, and whatever is aversion to printers, publishers, and uthors of libels, he is too good, too sound lawyer to harbour such an idea; while he seals are in his hands he knows his nportant duties too well to issue an in-unction against any publication in which he persons praying for that injunction either possess nor claim any property r interest whatever. An injunction on riminal grounds, from a court of Chan-ery! Good God! did your lordships ver hear till the period of this report (a alse one I trust, but which, if so, may now e contradicted) did your lordships ever ear or dream of such a proceeding? Vould not the noble and learned lord on he woolsack blush for the most inex-erienced barrister in his court who should enture to make so preposterous an ap-lication? who should ask him to inter-ere by an act of power which the analogy of our laws, the practice of our courts, and the safety of our liberties all alike pronounce to be impossible for him to exercise? If indeed a man, from an apprehension of being libelled, can obtain an injunction against the exhibition of a picture or the publication of a book, in vain have our ancestors put down imprimaturs and licensers, the Great Seal virtually possesses their pernicious powers, and every paper that is printed, every book that is read, would be indebted to the Lord Chancellor's forbearance for not being crushed, and stifled in its birth. It is strange that any man should think this law; it is yet more melancholy that thinking it so he should not wish to alter it. To endure such a law would be to submit to the worst species of tyranny, to subject the press, and through it the human mind itself, to the worst species of degradation, a controul of its faculties of reasoning; or, in other words, to leave to the discretion of one man the right of suppressing the words and thoughts of all his fellow subjects. This, my lords, among other symptoms, shews a jealousy of the freedom of the press, in those most likely to possess the power of restraining it; and this among other things, together with the strong fact of an increase of *Ex Officio* Informations, leads me to move an inquiry which is in my judgment called for by the circumstances which may lead to regulation, if regulation be necessary, but will at any rate have the effect of checking and controuling that temper of the times which, if unchecked and uncontrouled, is too well calculated to produce encroachments of power and abuse of authority.

The House then divided, when the numbers were:

For Lord Holland's Motion..........12
Against it..........24
Majority against the Motion..........—12

HOUSE OF COMMONS,

Monday, March 4.

DISPUTE WITH AMERICA.] Mr. *Whitbread* moved, that that paragraph in the Prince Regent's Speech, which related to the discussions with America, should be read, in order to entitle him to ask a question on that subject. [The paragraph was then entered as read.] He had on a former night put a question to the right hon. gent. opposite relative to the state of the discussions so long pending between his Majesty's government and the American minister, and he then rose to request some further information on this subject, in explanation of what the right hon. the Chancellor of the Exchequer had said in reply to him on Friday night. He had then asked that right hon. gent. whether the hopes held out in the Speech, of a favourable termination of our difference with America, were done away, the American minister having had his audience of leave? The right hon. gent., if he understood him right, answered, that the hopes of a favourable termination to the present discussions were not at an end; for that, though the minister had indeed had his audience of leave, a chargé d'affaires still remained to conduct these discussions. It was added, that a minister plenipotentiary had been appointed here to proceed to the United States. It was of the utmost importance that the real state of the case should be thoroughly understood. He therefore took that opportunity to state to the right hon. gent., that he had it in a circuitous way, but from good authority, that the American minister considered the discussions as at an end before the audience of leave; that though a chargé d'affaires was to remain here, he was not to carry on those discussions; but that Mr. Foster, on his arrival in America, would have to originate the whole anew. In this situation of things, he asked the right hon. gent., whether he would have any objection to lay the correspondence between Marquis Wellesley and Mr. Pinkney before the House? As to any influence they could have on the Americans, they would know them sooner through their own press than from their publication here, and it was of the utmost importance they should be known here as soon as possible. In the common channels of information he had seen articles, with some shew of coming from anthority, in which the differences were stated to be upon points which never could have been in discussion at all. He wished this matter to be set right. It was highly desirable, not only that the property of the merchant should be secured, but that the minds of the people in both countries should be kept free from whatever irritation and hostile, feeling might arise from error and misconception.

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* His lordship was supposed to allude o the summing up of the evidence in the ial of Hope *versus* Debost.

The *Chancellor of the Exchequer* said, he had not been misunderstood in the main part of his statement, although the hon. gent. had certainly mistaken what he had said on some points. He was pretty sure th when he mentioned that an America chargé d'affaires was to be left in th country, he stated that it was for carryin on the accustomed political intercours and diplomatic relations between the tw countries; but that he never stated or implied that the chargé d'affaires was t carry on the particular discussions. Th was certainly not the province of a charg d'affaires, and therefore those discussion were terminated in this country previou to Mr. Pinkney taking his audience o leave. There was a great deal of difference, however, between such cessation c the discussion and the discussion bein altogether broken off, as had been state by the hon. gent. His Majesty's ministers most unquestionably did not conceiv the discussions to be closed. On th contrary, the minister who was going t America would take over propositions o the part of this government, which the conceived to be intitled to a favourable reception in America. The hon. gent. ha asked him, whether he had any objectio to lay before the House the correspondenc between Marquis Wellesley and Mr Pinckney on this subject? He must answer, that he saw very considerable objections to it. Although in America, th practice might prevail of publishing such correspondence before the discussion wa terminated, yet it appeared to him tha such a practice was often very prejudicia to the successful termination of the discussion itself. For example, if there should be a parliamentary discussion on point actually in discussion between the tw governments, it was not unlikely that ar guments and topics might suggest themselves to the ingenuity of some member of that House, which had never occurred t the American Government, and which being so suggested and published in ou papers, might retard the desired termination of the discussions, by encouraging the other party to carry their pretension farther than they would otherwise have thought of. He thought it, besides, an inconvenient and bad practice, to expose the confidential communications of two governments before the discussion was completely terminated.

Mr. *Whitbread* now understood the right hon. gent. to mean, that the chargé d'affaires was not to continue the discussions on the matters in dispute, but merely to keep up the general diplomatic correspondence between the two countries. The points of difference he conceived were three; the business of the Chesapeake, the system of blockade, and the orders in council. It did certainly appear very extraordinary, that the American minister should have considered the discussions on these points as terminated, while the government here thought otherwise. The right hon. gent. refused to lay the correspondence before the House, and blamed the Americans for publishing such documents. When the Americans got the right hon. gent.'s speech, perhaps, it would prevail upon them to alter the practice; but in the present instance, the misfortune was that the papers would be published in America before the speech could possibly get there. Besides, though they had the speech, the argument would not apply; for they, no doubt, would consider the discussion as terminated. But he thought it of such great importance that the whole of this business should be known, that on Friday, he would move for the production of the correspondence.

PETITION OF PRINTERS, BOOKSELLERS, AND PUBLISHERS.] Mr. Henry Martin presented a Petition from the Printers, Booksellers, and Publishers, of the united kingdom, setting forth,

"That the petitioners constitute a numerous and respectable class of the community, and the employment in which they are engaged being intimately connected with the interests of literature, and productive of many advantages to the state, has ever been considered as entitled to the protection and encouragement of the legislature; and that the petitioners have of late felt themselves aggrieved in the exercise of their trade and business by the provisions of the act 39 Geo. 3, c. 79, intituled, 'An Act for the more effectual suppression of societies established for seditious and treasonable purposes, and for better preventing treasonable and seditious practices;' and, as they humbly apprehend that the regulations which they beg leave to submit to the consideration of the House have been productive of hardships never meant to be imposed upon the petitioners, they are encouraged to hope that the grievance of which they complain will find a remedy in the wisdom and humanity of parliament; and that the preamble to that part of the act in which the petitioners are principally concerned states, 'That whereas all persons printing and publishing any papers or writings are by law answerable for the contents thereof, but such responsibility hath of late been in a great degree eluded by the secret printing and publication of such seditious, immoral, and irreligious papers or writings as aforesaid, and it is therefore highly important to the public peace that it should in future be known by whom any such papers shall be printed;' and in section 27 it is enacted, 'That from and after the expiration of forty days after the passing of the said act, every person who shall print any paper or book whatsoever, which shall be meant or intended to be published or dispersed, whether the same shall be sold or given away, shall print upon the front of every such paper, if the same shall be printed on one side only, and upon the first and last leaves of every paper or book which shall consist of more than one leaf, in legible characters, his or her name, and the name of the city, town, parish, or place, and also the name, if any, of the square, street, lane, court, or place in which his or her dwelling house or usual place of abode shall be; and every person who shall omit so to print his name and place of abode on every such paper or book printed by him, and also every person who shall publish or disperse, or assist in publishing or dispersing, either gratis or for money, any printed paper or book which shall have been printed after the expiration of forty days from the passing of this act, and on which the name and place of abode of the person printing the same shall not be printed as aforesaid, shall for every copy of such paper so published or dispersed by him forfeit and pay the sum of 20*l.*;' and that the petitioners, sensible of the policy of preventing the dissemination of 'treasonable, irreligious, immoral,' or libellous publications, submit, without repining, to a variety of regulations, by which their occupation is treated as of a character so suspicious, as to stand in need of preliminary securities for anticipated misbehaviour, and is subject to jealous and irksome restraints to which no other branch of useful and honest industry is condemned; but though the petitioners have anxiously endeavoured to comply with the provisions of the law, they have found themselves exposed, by accidental mistake or trivial omission, to grievous and vexatious prosecutions, and to the danger of incurring pecuniary penalties to an enormous amount, without having been guilty of any thing offensive to morals, religion, or government; that, by the above-recited act, a penalty of *20l.* is imposed for every copy of any book or paper printed without the name or place of abode of the printer being thereto affixed with the most minute precision; and the petitioners humbly represent to the House, that the accidental violation of this part of the act, in the most inconsiderable circumstance, is attended with a severity of punishment which could not have been foreseen or intended. It frequently happens that hand-bills for the discovery of stolen property, or other objects of a similar nature, must, for the public accommodation, be published within a few hours from the time the manuscript is given to the printers, and the copies may, in defiance of all ordinary precaution, issue from the press without containing the printer's name or place of abode, according to the literal direction of the act; in such a case, penalties to the amount of 100,000*l.* may be incurred by a publication of the most innocent nature; the number of copies of hand-bills, and other papers of that kind, usually printed, is from 250 to 5,000, and on every separate copy a penalty of *20l.* attaches; the printer may thus be exposed to utter ruin by the inadvertence of his servants during his temporay absence, or by their negligence or fraud, after he has taken every precaution to satisfy the provisions of the law. In fact, printers have in various instances been harrassed by repeated prosecutions for different copies of the same publication; the omission of the word "London" in the description of a printer's place of abode, in addition to that of a well-known street in the metropolis, which precluded all supposition of wilful disobedience of the law, has been deemed to be an offence under the statute, and has subjected the party charged to protracted prosecution and expence; for transgressions of no higher malignity than this, the petitioners are liable to a severity of punishment which would be deemed adequate atonement for the most aggravated misdemeanor. In several instances, persons have been entrapped into a violation of the law by common informers, and have been prosecuted under circumstances which implied no blame whatever; the offences too, of which such may be the ruinous consequences, are withdrawn from the impartial and humane cognizance of a jury, and decided upon in summary proceedings before a single justice of the peace; no appeal to the quarter sessions from the decision of the justice is allowed, the magistrate has not even the power of mitigating the penalty in the most favourable circumstances, nor will any number of convictions bar farther proceedings, while a single copy can be produced on which a penalty has not been awarded, and the common informer being exempted from the payment of costs in case of failure, is not deterred from repeating his vexatious attempts to obtain a conviction; and that, as the petitioners are amenable to the laws for any seditious, immoral, irreligious, or libellous books or papers, which they may be guilty of printing and publishing, they submit with becoming humility to the House, that it is unnecessary to secure, by such excessive accumulation of penalties, a compliance with a regulation which, in case of an inoffensive paper, they can have no interest to omit, and of which the punishment is so disproportioned to the offence. If the publication be of an illegal nature, or of a dangerous tendency, the printer is discovered when there is evidence to convict him of neglecting the regulation of the act, and he may be punished according to the degree of guilt which he has really incurred. The House, indeed, cannot doubt that the provisions in question have been converted into an engine of vexation and oppression to the petitioners, without any benefit to the public, when they are informed, that, in every instance of prosecution, the publication on which the printer has been sued has been of an innocent or even useful nature; in most cases, though the punishment may be so severe, an improper motive cannot even be imputed to the offender, there is no temptation to fraudulent evasion, and the occasions on which the printer is most likely to expose himself to exorbitant forfeitures, are those in which his vigilance is beguiled by the innocence of the matter. Contemplating disobedience to this act he would guard against detection, but in printing an harmless hand bill, he does not reflect that he may forfeit 100,000*l.* by the forgetfulness of a moment; all the chances of escape are reserved for deliberate violation of the law, and the utmost severity of forfeiture is incident to casual inadvertency; and the petitioners beg leave further to submit to the House, that, while penalties and inconveniencies of such serious magnitude may be incurred without ny intention to violate the law, and withut any criminal negligence of conduct, ersons of common prudence must be derred from engaging in an occupation atnded with such hazard. The petitioners re the principal sufferers by the hardips, laid upon a business from which ey expected to gain a reputable substence, and which it is too late for them abandon, but the discouragement so seerely felt by them, will ultimately prove njurious to the public at large, since it ust tend to banish capital, ability, and eputation from a branch of industry by hich numbers of persons are now hoourably supported, from which no inconiderable revenue is derived to the state, nd which once was considered deserving f the peculiar favour of a free country. he violation of the law against which it as the object of the legislature to guard, most likely to be committed by men ho have neither property nor character forfeit, and it would probably be found hat the security of the public from sediious, immoral, irreligious, or libellous ublications, can be little promoted by the tudied degradation of the press, and by ompelling all men of spirit, integrity, and rudence, to seek other means of employnent; and praying the House to take the remises into consideration, and to grant hem such relief as to the wisdom of the House shall seem meet." The petition vas ordered to lie upon the table; and Mr. Martin gave notice, that in consequence of the grievances there stated, he vould, on this day fortnight, move for eave to bring in a bill, to explain and mend the 39th of the king, relating to his subject.

PAPERS RELATING TO THE EAST INDIA COMPANY.] Mr. Creevey rose, pursuant o notice, to submit to the House a moion relative to the amount of the dividend nade by the directors of the East India Company in the teeth of an act of parlianent, at a time when they could not shew hat they had any profits, from which lone such dividends were authorised to be made by law. The hon. gent. assured he House that he should that night conent himself with moving for a paper to scertain the fact, that at the last time of leclaring the dividend a sum of 630,000*l.* vas distributed in dividends. Although he should only now move for that paper, yet he thought it but fair to state, that in his view of the subject, this was a direct violation of the laws. In the act of William III. by which this company was established, as also by the act of queen Anne, in which they were allowed to add 1,200,000*l.* to their original capital of two millions, it was expressly enacted, for the security of the proprietors and their creditors, that there should be no dividend except upon the net profits. In 1765 a great alteration took place in the affairs of the company. The grant of Bengal from the Great Mogul elevated this company of merchants into territorial sovereigns. Although the original contract was changed by this circumstance, yet the rents of India, as well as the proceeds, were regulated by strict appropriation. The company were to be allowed to divide 8 per cent. on their capital, and of the excess of income, after this dividend, three fourths were to go to the public, and one fourth to the company. If it should appear that there were no net proceeds, they were not entitled by law to issue any dividend. By a subsequent arrangement, after a dividend of 10 per cent. they were required to set apart half a million for a sinking fund, to pay their debts, and to give another half million to the public. The dividends were to be made only out of the proceeds, and according to the account of many of the directors, there had been no proceeds for a number of years. Not finding themselves able this year to pay the dividends by the old devices, they borrowed from government a million and a half, under pretence of carrying on their trade, but really, as he believed, to pay their dividends. He believed that if their affairs were truly stated, it would appear that the company was now 15 millions worse than nothing. They might, to be sure, have an equitable claim on the territory of India for that sum, on the assertion that many of their expences had been brought on them by the government at home. It was impossible for any company to have managed worse than they had done. They were now within three years of the expiration of their charter, and all their stock was spent. If the charter should not be renewed to them, they would still remain a great company, having power to trade to the East Indies, but they would not have this privilege exclusively, as they have at present. He gave notice, that he would, on a future day, bring this conduct of the directors under the consideration of the House; but at present, in order merely to ascertain the fact, he moved "for the statement of the dividend of the years 1810-11, and of the rate per cent."

Mr. *Astell* could have no objection to give the papers which were applied for. The hon. member would find that his ideas on the subject were perfectly erroneous. His statement was unfair and unfounded both in the law and the fact; and there could be nothing more prejudicial than to send forth to the public and the proprietors so unfounded a representation of the state of the company's funds. He did not understand the law sufficiently to detail it or argue upon it in the case before the House, but he understood from those who were perfectly versed in it, that the law and the fact bore out the directors in the line which they had pursued.

Lord *Folkestone* defended the statements of his hon. friend, which he said were drawn from the exposition of the directors themselves. From this it was clear that after deducting seven millions due to the proprietors of capital stock, yet more than seven millions were deficient, though the hon. chairman had roundly contradicted the fact, while he admitted his ignorance of the law. The act of parliament clearly laid down that the dividends should be paid out of the net proceeds of the company, and as this had not been complied with, he felt himself called on to support the motion of his hon. friend.

Mr. *Grant* said, that the hon. gent. had entirely mistaken the scope and meaning of the law and acts of parliament, and drawn wrong inferences from them. It should be recollected that the whole territorial property of the company, together with the assets and other property, were to be set off against these seven millions—not to speak of the prospective resources of the company, which, instead of going on from bad to worse, as stated by the hon. gent. were much better than they had been. He did not feel it necessary at present to go far into the question, but he had to complain of the exaggerated statements which had been made, without any vouchers or papers to support them.

Lord *A. Hamilton* observed, that he did not think the statements of his hon. friend had been at all invalidated by the observations of the hon. directors, who had merely contradicted the law and the fact, without entering into an explanation of either. He thought that it would be right that the right hon. gent. who presided at the Board of Control, should satisfy the House in some degree on the question before them. He felt some surprise that the directors should find no profits to pay the public out of the net proceeds, but quite enough to pay themselves. Under all the circumstances of the case, he would vote for the production of the papers, in order to see the principles of the hon. gent. and the grounds on which they proceeded.

Mr. *Adam* had no wish to bring on an extended discussion, but from his connection with the company, he thought it necessary for him to deliver his opinion. After the most minute consideration of the 107th and 111th sections of the Act of 1793, he must say, that the conduct of the East India company, and of the directors in particular, was perfectly correct in point of law, and justified in all its parts by the act of parliament. The grand fundamental principle which was to be considered by those who came to treat the question was, that the India system was the government of a great territory by a commercial company, and it was the right and duty of that commercial company to have their dividends paid out of the profits of their commerce.

Mr. *R. Thornton* would not set about following the gentlemen who had already spoken on the other side of the House, as their information was so defective and their suppositions so extravagant. The hon. mover had told the company that they were beggars—all beggars—fifteen millions worse than nothing. How extravagant! That hon. gent. would perhaps have no objection to some of their stock, or a few of their India bonds, beggars as they were; or, whatever his contempt for them might be, he would not dislike a few of their acres of territory.

Sir *H. Montgomery* said shortly, that the distresses of the company arose out of their extravagance, in speculations of trade, and their wasteful mode of raising money. He then proceeded to detail some of the modes adopted for the circulation of the company's bills in India, and ended by saying, that the directors would have to provide for twelve millions of bills in the course of the present year.

Mr. *H. Smith* said, that the territorial expences of the company naturally absorbed a portion of their commercial profits; but under all the disadvantages of late years, the company were bound to pay their dividend, and by so doing benefit the public service at the same time.

Mr. *Creevey* had heard nothing to con- ce him of his error. He had been ırged with misconceiving the law and fact. But for the fact, he had only en the documents that were on their le. He found a learned member (Mr. am) agreeing with him that the com- ny were entitled to pay a dividend only t of their profits; so that finally he had his fact the secretary of the directors, less they chose to disown their secre- y's act; and for his law, he had the thority of the counsel to the board. By documents signed by the secretary, company were certainly fifteen mil- ns worse than nothing. But it would expedient to know if any case on the bject had been submitted to that learned unsel, and if it were, it ought to be laid fore the House, as, on a subject of such gh importance, they could not have too uch information.

Sir *J. Newport* wished to know, before motion was put, whether the minister d not intend to give notice to apprise House of the expiration of the com- ny's charter.

Mr. *R. Dundas* replied, that proper no- e would be given.

The motion was then put and carried.

[FOREIGN MINISTERS' PENSIONS BILL.] r. *Leach*, pursuant to notice, rose to ove for leave to bring in a bill to ex- ain and amend so much of the act of last ssion as related to the granting of pen- ons to ministers who might have served s majesty at foreign courts. The grounds pon which he brought forward his mo- on were few and simple. It must be vious, that diplomatic appointments, ough the situations were high and ho- urable, were not sought after by per- ns to whom the revenue of office was in- fferent. There might have been some xceptions, but in general such offices ere courted as likely to afford an ho- ourable provision. The revenue enjoyed uring service afforded no fund for future rovision, and when it was considered that ersons holding diplomatic appointments niformly detached themselves from their onnections, and abandoned all views from e prosecution of professions, it must be bvious that they were entitled to some rovision after the cessation of their ser- ices, or in the interval of non-employ- ents. As it was necessary to hold out ncouragement to persons of a liberal edu- ation and accomplishments to undertake this office, it became the consideration of parliament in 1782, and they then made provision for them. The words of the act of last session introduced a change of policy, and lessened the encouragement which parliament had pledged themselves to bestow upon such individuals. No person could now engage in this branch of public service without being independent; but he submitted to the House whether it could be just to apply the provisions of that act to persons who had actually been in that employment previous to its passing. They, perhaps, would not have accepted of their situations, if they had not expected remuneration for their meritorious services. As that act might disappoint their just expectations, he thought that it ought to be explained and amended upon that point to which he had alluded.

Sir *Arthur Pigott* seconded the motion.

Mr. *Abercromby* said, he could not at present approve of this bill, and although he would not oppose the motion, should take a future opportunity of stating his sentiments. He protested against the argument that the act of 1782, held out a pledge by parliament to persons in the diplomatic service, that could not with justice be altered. If such a principle were to be carried into all the branches of the public service, it would be opposing all beneficial regulations.

Mr. *Wilberforce* thought it would not be proper to provide pensions for those who undertook the diplomatic department, merely for a year or two, but it would be desirable to provide public remuneration for those who devoted themselves entirely to that line, and therefore a specific time should be mentioned.

Mr. *Fuller* thought that this was a matter which ought to be left to the government of the country, so that they might remunerate persons according to their deserts.

Mr. *Bankes* was of opinion that the bill brought in last session was extremely proper, as it guarded the public rights, and ought not to be altered.

Leave was given to bring in the bill.

[PENITENTIARY HOUSES.] Mr. Secretary *Ryder*, in pursuance of his notice, rose to move for a committee to inquire into the expediency of the erection of Penitentiary Houses. He assured an hon. and learned gent. opposite (sir S. Romilly), who first brought the subject before the House, that much as he differed with him on other subjects, he most cordially agreed with him on this. Desirable, however, as the measure must be allowed to be, gentlemen, he was persuaded, would feel the necessity of investigating the subject by a committee, before the House proceeded to an undertaking which would cost a very large sum of money, and he therefore moved, "That a committee be appointed to consider the expediency of erecting a Penitentiary House or Penitentiary Houses, under the acts of the 34th and 19th of his present Majesty; and to report, in case they should deem the adoption of the measure now referred to them beneficial, whether any additional provision would be wanted for the same, and what number of individuals that house or those houses should be calculated to receive."

Sir *S. Romilly* would not oppose the motion, though he was still of opinion, that on a subject clear almost to demonstration, an address to the crown at once would be the preferable proceeding. As a committee was to be appointed, however, he thought the objects of their inquiry should be more extensive. He would have them investigate the comparative advantages of confinement in penitentiary houses with imprisonment in the hulks, and transportation to New South Wales. It might turn out, that the first of those punishments might frequently be substituted, with benefit both to the culprit and the public, for the two last; and more particularly for the last, the effects of which were, he believed, frequently the reverse of those which it was intended to produce, and the expence of which was enormous when compared with the expence of erecting penitentiary houses. He proposed as an amendment to insert the words—"And that the committee inquire into the effects that have been produced by the punishments of transportation to New South Wales, and of imprisonment on board the hulks, and report their opinion and observations thereon to the House."

Mr. *Whitbread* bore testimony to the excellent regulations of the hulks, and to the praiseworthy attention of Mr. Graham, under whose direction they were.

Mr. *Wilberforce* spoke to the same effect, and expressed a hope that the adoption of the amendment might not protract the completion of the report of the committee.

Mr. Secretary *Ryder* had no objection to the amendment of his hon. and learned friend. Adverting to the subject of the imprisonment on board the hulks, he expressed his conviction, that at present more individuals were restored good members to society after this, than after any other mode of punishment.

The original motion was then agreed to, and the amendment of sir S. Romilly having been, at the suggestion of the Speaker, converted into a subsequent instruction to the committee, was in that form put and agreed to.

ARMY ESTIMATES.] The House having resolved itself into a Committee of Supply,

Lord *Palmerstone* rose, in pursuance of his notice, to move the resolutions respecting the Army Estimates. So perfectly aware was he of the difficulty of drawing the attention of the House to the dry and complicated details on this subject, that it was his intention to limit his observations as much as possible. It was necessary, however, for him in the first place to point out to the committee, a circumstance, which any gentleman must have observed who had looked into the estimates, viz. that though the estimates were framed in the same manner and upon the same principle as the estimates of last year, yet there were various alterations, which had been adopted with a view to render more intelligible the complicated details into which the estimates unavoidably extended. The particular expenditure of Ireland was contained in a separate column, and many articles of charge were placed under distinct heads, which were usually included in the army extraordinaries or cast into an aggregate mass. He would now proceed to go through the various estimates in succession. The first was that which related to his Majesty's land forces; in which the committee would perceive an increase of four hundred and seventy two men, and a decrease in the charge of 18,400*l.* This estimate was divided into several classes. The first was the household troops; the increase of the charge of which was 62*l.* This was a small sum, but as it proceeded from a circumstance which affected the charge of the whole of the regular troops, he would explain it:—It was well known to those who were conversant with regimental details, that it had been the custom to stop a part of the pay of the drummers or trumpeters of every regiment for the purpose of increasing the pay of the drum-majors and trumpet-majors. It had been ascertained, however,

this custom was not authorised by
' It was therefore discontinued. But
ie pay of the drum-majors and trum-
majors was thereby reduced to an
ality with that of the privates, it had
1 thought expedient to give them pay
al to that of serjeants, and this was
cted throughout the whole army at an
ence of between 3 and 4,000*l.*
n the estimate of dragoon guards and
goons, the charge would be found to
e decreased 34,000*l.* This decrease
se chiefly from the transfer in Ireland
he whole charge of forage to the com-
sariat department, and also (as he had
a former occasion stated) from the ar-
gement by which the charge of bread
also been transferred to that depart-
nt. The next class of the regular land
ces was the infantry of the line. In
s there was an increase in number of
', and in charge of 28,745*l.* This in-
ase was attributable to the transfer
m the foreign corps of the 97th regi-
nt, formerly composed principally of
eigners, but lately recruited so entirely
in the militia in this country as to have
come a complete British regiment, and
the new Brunswick fencibles raised ori-
nally in America and in the West In-
s, a provincial corps, but which had
cently offered itself for general service.
The next class was the unnumbered
rps. It would be found to have de-
eased, in men, 352, in charge 8,600*l.*
y the vote of last year it was resolved to
duce the waggon train, which had con-
ted of twelve troops, to seven. Three
ops were immediately reduced, but the
o others which were to be reduced,
ing in service with lord Wellington,
o of the home troops were sent out to
place them, in order that they might
turn for the purpose of reduction. Lord
ellington, however, represented in such
ong terms the advantage which he de-
ved from the services of this corps, that
e whole four troops were permitted to
main. There were consequently six
oops of the waggon train with lord
ellington's army, one at Cadiz, and two
home. The estimate, therefore, for the
aggon train had not decreased so much
was anticipated; but the great decrease
charge on this general head of unnum-
ered corps, arose from the transfer of the
orth Brunswick fencibles to the line, and
om the total reduction of the Manx fen-
bles.

In the miscellaneous charges, which stood next in order in the estimates, there was a decrease in the charge of 185,000*l.* which diminution arose from the difference, amounting to 535,000*l.* between effective and non-effective pay; of which difference 350,000*l.* might be applied to defray the pay, clothing, &c. of men expected to be raised in the present year; the remainder constituted the decrease in this estimate, which he had already stated. He now proceeded to the estimate of the troops serving in the East Indies, the increase of which was 280,000*l.* For this no aid would be required, and the estimate was placed among the rest only to allow the committee to perceive at one view the whole military charges of the country, if that were to be defrayed by the public.

The item next in succession in the estimates was that for the regular embodied militia, and in this he had to observe that there was a decrease of 2,000 in the number of men, and an increase of 20,000 in the amount of charge. When the estimates of last year were made up, the regiments of militia were incomplete, in consequence of the great reduction by the volunteering into the line. Three hundred thousand pounds had been deducted from the estimate last year on that account. Since that period the ballot had nearly filled the deficiencies up, and therefore in the present estimate only 155,000*l.* had been deducted on account of the pay and clothing of non effectives. In the estimate of staff of garrisons, there was an increased charge of 600,000*l.* This arose from an increase on the Irish staff of 37,000*l.* and from an increase on the foreign staff of 36,000*l.*; counteracted by a decrease in the home staff of 16,000*l.* In the estimate of supernumerary officers, there was an increase of 2,000*l.* In the estimate of allowances to the principal officers of several public departments, there was an increase of 1,900*l.* In the estimate of half-pay and allowances to reduced officers there was an increase of 1,000*l.* arising from the allowances to quarter-masters, and the half pay to officers of the garrison battalions. The charge on the estimate of the in-pensioners of Chelsea and Kilmainham hospitals was decreased 4,700*l.* in consequence of less money being necessary for the buildings. That on the out-pensioners appeared on the face of the estimates to be increased 93,000*l.* arising from the circumstance, that as last year 100,000*l.* out of 240,000*l.*

recovered from the prize agents, was appropriated in aid of those establishments, this year only 25,000*l.* was so appropriated. The real increase, therefore, of charge was only 18,000*l.*; 13,000*l.* for England, and 5,000*l.* for Ireland.

The noble lord then proceeded to notice the estimate for widow's pensions, in which there was an increase of 5,000*l.* in consequence of a correspondent addition to the number of individuals, who are the objects of this fund. With respect to the volunteers, that extensive and important branch of the internal military organization of the country, gentlemen by looking into the estimates would find that there was a diminution to the amount of 303,000*l*;—a diminution which arose chiefly in England from a reduction in the number of days on which the volunteers were to be called out on permanent duty. The greater part of this reduction took place in Ireland. The actual diminution of charge in England amounted only to 35,000*l.* produced, as he had before stated, by the reduction of the number of days of duty: the remainder of the reduction then arose in Ireland, attributable in part to the same cause, but more particularly owing to the circumstance, that in that country the volunteers were not to be clothed this year. On the face of the estimate of the local militia, there appeared an increase of charge of 61,000*l.* but this was attributable to the estimate of last year falling short of the expence by 128,000*l.* owing to the too small sum allowed for clothing—to the augmentation of some of the corps—and to the addition of others. It was intended in the present year to reduce the number of training days from 21 to 14; and by this reduction a saving would be effected of 110,000*l.* When the state of efficiency, in which the local militia was reported to be by the district officers, was considered, it might be presumed that the service would not suffer by this arrangement; the more especially as it was intended that those of the different corps which had not been out before, should be exercised for seven days previous to the regular training, under the permanent staff of their respective districts. In the estimate of foreign corps there was a decrease of charge of 2,100*l.* in consequence of the incorporation of the 97th regiment into the line, and the total reduction of the regiment of Malta. The next estimate was that of the Royal Military College. In the body of this estimate it would be found, that the charge was decreased 29,70 a diminution arising from the suppositi that no further sum would this year be r quired for the expence of building. Sin the estimate had been framed, however, had been signified to him that 30,00 would be required to complete the buil ing for the junior department. One cau of an increase in a part of this estima was the removal to Woolwich of the c dets of the artillery, who used to contr bute 100*l.* a year each to the establishmen and who were replaced by cadets, some whom did not pay any thing, and none whom contributed in an equal degree their predecessors. The estimate of th Royal Military Asylum was nearly th same as last year. That of retired chap lains was increased in charge 1,600*l.* Th estimate of hospital expences was increase in charge 17,000*l.*; 5,000*l.* for medicine and the remainder for transfers made t that from other estimates. The compas sionate list and king's bounty estimate wa increased in charge 7,600*l.* in consequenc of the increase in the number of prisone that were entitled to relief. The estimat of the barrack department in Ireland, wa increased in charge 23,000*l.*; a very larg portion of which arose from the lodgin and fuel-money for recruiting parties fro regiments on the British establishmen The charge on the estimate of the Iris Commissariat would be found to have in creased 73,000*l.* This was to be ascribe to the transfer to that department of th forage estimates.

On a general view of the whole of thes estimates, it would appear, he observed that there was a diminution in the numbe of men of 514; and that there was an in crease in the charge of 42,000*l.* Agains this increase of charge, however, must b set, the saving which would arise from di minishing the number of days on whic the local militia were to be trained, whic saving did not distinctly appear on th face of the estimates, and a balance woul then be left of 60,000*l.* Of course he wa aware that in such a variety of detail there were many articles which he mus have left unexplained. He would reserve himself, however, for whatever inquirie might be made on the subject, to make any explanations which might be necessary Having said thus much, his lordship observed, that he would sit down without detaining the committee longer, were he no anxious to draw the attention of the committee to the state of our regular army, and to the view which government took of that subject. This was a topic which obviously divided itself into two considerations—first, the amount of the force necessary; and secondly, the means by which that force should be kept up and rendered effectual to its purpose.—With respect to the first consideration, it was a matter of congratulation to the country, that parliament was not now called upon to devise the means of creating a regular army. It was not as at the commencement of the war, when all we had to oppose to the invader, was the ardent and invincible, but undisciplined spirit of the people. That time was gone by. The country had now the satisfaction to see that they possessed a regular military establishment so powerful, as not only to enable us to lay our heads on our pillows in security, but also to arrest the progress of the enemy in those countries which he had already called his own.—(Hear! hear! hear!) The attention of parliament, therefore, must be directed, not to the means of augmenting the regular army, but to the means of keeping it effective and complete. In order satisfactorily to pursue and perfect the investigation of this question, it became necessary to consider, first, what would be the probable amount of annual casualties, and secondly, from what sources the supply of those casualties could best and most effectually be provided. The regular force of the country, exclusive of artillery, amounted to 235,000 men, of whom about 211,000 might be considered fully effective.

But considering the various, and some of them dangerous, services in which our army was unavoidably engaged, the casualties could not be assumed at less than 22 or 23,000 men. For this number, therefore, it would be necessary to provide. What were the means? In the first place, the ordinary recruiting; the produce of which, however, must be confined within certain limits; for when the price of labour, which our extended agriculture, manufactures, and commerce occasioned, was considered, it was not to be expected that many would anticipate, in the profession of a soldier, such paramount advantages as would induce them to quit the peaceful occupations of civil life. He would state the probable produce of the ordinary recruiting, therefore, as low as 11,000 men. It was true, that in the year 1810, the returns amounted only to between 9 and 10,000 men; this was in a great measure to be attributed to the obstacles which the regular recruiting had to encounter last year from the ballot for the militia in the latter part of the year, and from the expectation of the ballot in the former part of it. In some years the produce of the ordinary recruiting had been as high as 19,000 men; but in the present state and circumstances of the country, he would not feel justified in calculating upon so large a result. From the foreign recruiting, taking the average of the last two years, it was fair to expect 4 or 5,000 men, making with the regular recruiting altogether about 16,000 men, which, it was likely, would be obtained by voluntary inlistment. To devise some mode of supplying the deficiency between that number and the number of casualties, was the province of government. It had occurred to them, that it would be advisable to recur to the means which experience had shewn to be so successful, namely, to allow a certain portion of the militia to volunteer into the line. The militia establishment was 92,000 men, of which the effectives might be considered to be 84,000, added to which there was due by ballot 5 or 6,000 men. Considering, on the one hand, the amount of the regular force which under any circumstance would be kept in this country, and on the other, the great security to the country arising from the local militia, which was every year increasing in discipline, it might be stated, without fear of contradiction, that the present establishment of the regular militia was greater than the national defence required. It was proposed to reduce it to the old establishment, namely, 70,000 for the two islands; and for this purpose to allow a number, not exceeding 10,000, to volunteer into the line. This measure was the less objectionable, as from the effective state of the militia, a new ballot would not be necessary until the end of the year 1812. His lordship expressed his persuasion that when parliament reflected on the number of men which had already been raised in this manner, they would be of opinion, with his Majesty's government, that it was the best method which could be adopted to meet the casualties, and the least likely to interfere with the ordinary recruiting. On the resumption of the House, it was his intention to move for leave to bring in a bill for this purpose. If leave were granted him, he should, after it had been read a first time, move that it be printed, in order to give ample opportunity for discussing the various provisions which it would contain. His lordship concluded by moving the first resolution.

General *Tarleton* rose and spoke as follows: Mr. Lushington, I return my thanks to the noble lord, for the clear manner in which he has stated the Estimates of the current year; but, although they contain circumstances of great moment, I shall call the immediate attention of the committee to a subject, growing out of this branch of the public service, which I consider to be deserving of paramount and prior consideration. I allude, Sir, to the war now carried on by Great Britain, on a very extended scale, within the boundaries of the continent of Europe. On this occasion I do not arrogate to myself a superior degree of patriotism, or of military knowledge, but I discharge a conscientious duty to my country; and, in the discharge of that duty, I will employ as much perspicuity and brevity as I can command.—It is my intention to attribute to his Majesty's ministers full credit for patriotic designs, and virtuous motives. That they conceive a war upon the continent will lessen the military power of Buonaparté; will protect our allies, the Spaniards and the Portuguese; and will delay, or ultimately defeat, the invasion of the British isles. On the contrary, I contend that such opinions, with our limited population, speaking comparatively of it with the population of Europe, will offer up as unnecessary victims, the best soldiers of Britain; will not avail ultimately, in the defence of our allies, as the integrity of British resources can alone give us present security, and, in a more remote degree, afford a point and beacon of rally and redemption to the prostrate nations of Europe: and that the expenditure of our brave men, and our military resources upon the continent, will co-operate with the ambitious designs of Buonaparté, and open a passage at an earlier period, and with more facility, to our mortal and inveterate enemy.—Experience and common sense equally confirm the soundness and validity of these opinions. If any nation undertakes a line of military operation beyond its means, or comparatively so with those of the enemy, the result must naturally produce a melancholy termination. On the present occasion, I contend that our means are physically inadequate to the object in view, that the plan and system are founded in error and mistake, and must inevitably lead to disaster and destruction.—After this brief analysis of the argument between me and the gentleman opposite, I proceed to take a summary view of the two expeditions which have been sent by the ministers of the day, into the interior of Spain, before I state the operations of the campaign which commenced in 1810.—The papers and documents upon the tables of the two houses of parliament, clearly point out the rendezvous of the troops allotted to the command of Lieut. Gen. sir John Moore, and hold out a delusive expectation, that the army under his command would have been able to penetrate to Madrid, and render important service to the Spanish cause. We collect, likewise, from the papers in our possession, a description of the scanty state of the supplies to be expected by the British general, between Salamanca and the capital.—A small division of this army was therefore intrusted to the command of Lieut. Gen. sir John Hope, consisting principally of cavalry and artillery, who, by a circuitous march, reached the neighbourhood of Madrid. The vigilance of the commander, and the persevering activity of his officers and soldiers, extricated this detachment of the British army from a situation of imminent peril, as the French had occupied the pass of Samosierra, and were extending themselves, in overbearing numbers, on the route of this small column. I need not recapitulate to the committee all the disasters which pressed rapidly on sir John Moore, owing to the erroneous intelligence which was conveyed to him from authority, and from the harrassing movements of superior bodies of the enemy.—It is sufficient for my present purpose to say, that sir John Moore was compelled to offer battle, after hardships almost unparalleled, to an army which out-numbered his own, in the neighbourhood of Corunna. The committee will pardon me if I employ a few moments in giving a rapid sketch, yet faithful portrait, of this meritorious officer. He, like his great example, General Wolfe, had exercised his professional talents in the discipline of the troops which had been submitted to his command, and rendered them, by his attention, extremely skilful in every military movement: he, too, like his illustrious prototype, after a series of mental as well as bodily fatigues, expired in the arms of victory. Posterity, however, in regretting the premature conclusion of such valuable lives, cannot fail to appreciate the marked difference which resulted from their deaths. They both fought and conquered! Wolfe executed the plan of the earl of Chatham, and a victory gave England possession of Quebec and Canada. Moore was employed by these ministers, and, although he evinced genius, intrepidity, and constancy, which he sealed with his blood, his army embarked with a heavy loss and great difficulty, and the French forces have ever since been banished from the northern provinces of Spain. The other instance of attack, on our part, was, as far as the papers laid upon our table justify us in forming a judgment, principally planned, and personally conducted, by lord Wellington. His design seems to have been to form a junction with our allies, the Spaniards; and by the joint efforts of this force, to expel the French from Madrid, and afterwards drive them beyond the river Ebro.—The British forces employed upon this occasion were about 30,000, and well selected for any enterprise. The Spaniards, under General Cuesta, and other leaders, were much more numerous, but not equal, either in officers or discipline, to the British. The battle of Talavera received the thanks of the imperial parliament, expressed by the respective organs of both Houses, to the commander, the officers, and soldiers of the English army: his Majesty also marked the event, by conferring the distinction of a viscount upon sir Arthur Wellesley.—The history of the sequel to the battle of Talavera, discovers that lord Wellington left the principal part of his sick and wounded to the enemy, and, consigning his hospital to their humanity, by a rapid march to his rear, evaded the designs and power of Marshals Soult and Mortier. In crossing to the south bank of the Tagus, our allies sustained a heavy loss of men from one of the French corps, and lord Wellington sought security from the enemy, and cantonments for the British, on the unwholesome marshes of Estremadura. In this manner the second enterprise concluded, which was directed against the French, in the interior of the Spanish territories. The united army, not being able to penetrate to Madrid, the allies separated in disgust, and the British commander-in-chief returned to the neighbourhood of Lisbon.—Before I enter into a recital of the operations and the events of the campaign commenced in 1810, it will be highly correct to make two observations: I do not conceive the plan (by the word plan, I mean the military outline of the defence of Portugal) to have originated with lord Liverpool, who succeeded lord Castlereagh in the war department of this country. Although the noble lord did express a desire of marching to Paris in his earlier days, I do not think time has added to his chivalry, so much as to induce him to attack Madrid, in the years of his maturity. I therefore consider the suggestions with regard to offensive or defensive operations on the peninsula, to have proceeded principally from the judgment of lord Wellington.—My second observation I confine to lord Wellington entirely: I beg leave to premise that the mention of that noble lord, which I am obliged to make in a narrative of this description, does not bear with it a criticism or an attack upon lord Wellington's military conduct. The time is not yet come, the documents are not yet arrived, to enable me or the House to form a complete judgment on the subject of the present campaign. We are, unfortunately, only favoured with extracts of the noble lord's letters, from whence we cannot derive much information. In short, the name of the commander in chief can no more be omitted, than the names of Cato or Hamlet, in the representations of those dramatic productions.—The campaign of 1810 opened by the approach of the contending armies, under the direction and command of lord Wellington and marshal Massena, to the frontier of Spain. The former had, according to the best accounts I could obtain, a British force, of artillery, cavalry, and infantry, nearly amounting to 34,000 men. Marshal Beresford, who commanded the organized Anglo-Portuguese troops, had assembled about 20,000 of that nation, in the neighbourhood of lord Wellington's army; and this whole force was subject to the orders and control of the noble lord.—About the time of the appointment of marshal Massena to the command of the army destined for the invasion of Portugal, marshal Ney was employed in collecting and preparing magazines of every description, to enable the French to undertake the siege of Ciudad Rodrigo.—The impediments to warfare, of every description, in the neighbourhood of Salamanca, where depots were to be created, have been described in the papers placed on the table of this House. Sir John Moore and the British army had experienced these difficulties, on their first arrival in Spain, although the country had not at that period been impoverished by the troops of allies or enemies. The season of the year, likewise, in addition to the other difficulties, seemed to oppose an insuperable barrier to the design of the enemy. It cannot escape military notice, that the spring is more disadvantageous for the collection of subsistence than the autumn, when the harvest is stored. This was the precise time, however, when the enemy collected magazines for the siege of Ciudad Rodrigo, and it is quite evident that the country was compelled to supply the demands and wants of the French, with respect to subsistence, as the transport of heavy cannon and military stores would require all the horses and carriages, both Spanish and French, within the grasp of the power of the latter, in order to advance so formidable an undertaking. For the defence of this fortress, the Spaniards made preparations, the works were inspected, the artillery placed upon the ramparts, and some select regiments of the Spanish line composed the garrison, which was expected to resist the effort of the assailants, according to the report which we received from the Lisbon Gazettes, for a considerable time. In the sort of narrative which I am now giving to the committee, which it is equally difficult and delicate for an English officer to attempt, if I wish that narrative to be worthy of attention, I must describe the military events which present themselves, without any bias or partiality, and by adhering as closely to the line of truth as the present materials will allow me to discover it, give a faithful delineation of the facts. As the obstacles which presented themselves to the enemy were of no common description, great expectations were created by the reports of the day, and the newspapers of this country, that the enemy would fail in the enterprise commenced. For, in looking at the investiture of Ciudad Rodrigo, the local disadvantages, with regard to subsistence and the roads, were not the only impediments in the way of the French army. Lord Wellington, with the allied forces, was posted in the neighbourhood of that fortress. I cannot help remarking to the committee, at this moment, the fondness of the majority of the gentlemen opposite, of calling in, upon a variety of occasions, the assistance of great authorities. We too have our military authorities; and we regard the conduct of the duke of Marlborough, of prince Eugene, and of the king of Prussia, in as high a point of value and consideration, as those hon. gentlemen do the sayings of lord Coke, judge Holt, and Mr. Justice Blackstone. The duke of Marlborough and prince Eugene considered the investiture of Lisle as a difficult operation, after they had weakened the French power, and driven it from the field. The first illustrious character commanded the army of observation, and prince Eugene superintended the works directed against the place. Notwithstanding this combination of power and talent, Lisle made a gallant defence, and, by a protracted fall, averted the evils which seemed to threaten France. Yet in the presence of the allied army, Ciudad Rodrigo did not make a long defence, and marshal Massena pressed forwards to the Portuguese frontier. By a variety of channels of information, the people of England were made acquainted with the superior numbers of the French cavalry, and that the plains laying around Ciudad Rodrigo were unfavourable to the operations of an army, whose principal force consisted of infantry. But it was represented that the rivers and the mountains, in the vicinity of Almeida, presented a different scene of action, and more sanguine hopes of the failure of the French, in the attack of that place, were consequently entertained by the Portuguese and the British nations. It is natural to suppose that, previous to the attack of the enemy, the place was thoroughly inspected; that the works were strengthened as much as possible, and that the best means were adopted to enable the garrison to make a long defence. Lord Wellington undoubtedly had the option of defending the fortress, and the selection of the troops, for maintaining Almeida, which some writers have stated to be the strongest and largest place on the frontier of Portugal. On the approach of the French, the rear guard of lord Wellington fell back over the river Coa, and Almeida was invested. I cannot help reminding the committee of the examinations which took place within these walls, with respect to the Walcheren expedition, in the course of the last session of parliament. That enterprise, it must be recollected, received the thanks of this House; and, in the course of the proceedings to which I have alluded, it appeared that some officers, and some ministers, vaunted their own vigour, in being prepared to produce and open forty pieces of heavy cannon against Antwerp, within the pe-l of twenty days, in case a land- had been effected upon the continent. us candidly survey the facilities and difficulties which presented themselves he British and the French on these two asions. The English possessed the st ample naval means that the his- y of the world can produce, to trans- t the apparatus necessary for any ge to the continent, and the contiguity Woolwich to the water is well known, l favourable to such a design. The nch had to struggle against every dif- lty, arising from a tedious land car- ge—hostile and exasperated country— l roads—and poverty of every descrip- n. Yet we discovered, I believe, in our n accounts of that transaction, that inst the fortress of Almeida, they open- their fire from 63 pieces of heavy ord- ce, and that Almeida surrendered after efence of 48 hours. If any person in- s from this statement, that I depreciate vigour, the talents, and the courage of gallant officers and soldiers of my ntry, and raise those of our enemy into tate of superiority, I will give him a di- t denial. My examination of military ords, and my personal knowledge in the ld, both enable me to approve the con- sion which proceeded from marshal llars, after a long experience and many ere conflicts against the British, that e would prefer the command of 25,000 tional English, to 30,000 of any other tion in the world." I only make these tements, as I am supported by facts, prove the small degree of vigour in s vigorous administration, and the dness of our continental experiments. ith the account of the fall of Almeida, ong insinuations of treachery against me officers of the garrison, and ru- urs of a conspiracy at Lisbon, reach- this country. As to the particular ints of the supposed infidelity, or of e magnitude of the conspiracy in the pital of Portugal, we are not in posses- n of any documents to enable us to de- de with propriety. But the history of e world affords a general solution to si- lar reports under similar circumstances. l historians have described the effects invasion and overthrow, and have na- rally and invariably shewn, that a people ases to possess confidence when they nnot obtain protection. The early and expected surrender of these fortresses, udad Rodrigo and Almeida, must have oduced disagreeable sensations in the minds of our allies, and instantaneously occasioned those military movements which they had not anticipated. It had been represented, both in Lisbon and the camp, that the defence of two fortified places, well stored and garrisoned for a siege, and within the reach of one day's march of the allied army, would have augmented the enemy's difficulties so as to have occasioned a retreat, or that the protracted defence of those fortresses would have called in aid the periodical rains of the country to defeat the entire design of the French. The stores found in the fallen citadals must necessarily have been of great utility to marshal Massena, and the ground occupied by the enemy obliged lord Wellington to retrograde with the allied army. Notwithstanding the evidence of our senses upon this occasion, the inhabitants of Great Britain were overpowered by the rhapsody contained in the Ministerial Journals, on every mention of Lord Wellington, by their self-important reasonings upon military subjects, and by their positive affirmation that he had not commenced a retreat. The treasury of England, at this particular juncture, "appeared to be the magazine of news, where invention framed the fable of the day, and credulity stood ready to receive it."

It would be superfluous to enumerate the different towns, villages, and mountains, that were occupied by the allies, or the rivers that were passed between the frontier of Portugal and the neighbourhood of Coimbra, which stands almost in view of the Atlantic ocean. During this state of anxiety and expectation, the Park and Tower guns, and the Gazette, proclaimed the victory of Busaco. The reports of that repulse of the French, which have hitherto reached this country, contain such scanty information, that the whole transaction, as a military transaction, except the repulse, appears enigmatical. We know that the British and Portuguese troops were formed in line on the ridge of Busaco: that the French army approached the valley, which lay contiguous to the position of the allies: that two detachments climbed the rocks and commenced their attack upon two points: that the assailants were repulsed with considerable loss: and that marshal Massena did not renew his attempts, but immediately made a movement, which crossed the front of the allies, and eventually turned their left flank. From the position of Busaco we likewise learned lord Wellington descended with some degree of precipitation, with the intention of destroying or carrying away the stores deposited at Coimbra. The possession of that place was, however, of short duration, the allied army soon passed to the left bank of the Mondego, and the French obtained some supplies which could not be removed or burned by the allies. I will not make any delay in order to criticise the report made relative to the Portuguese militia, and the expectation formed of their frustrating the movement of the enemy through Sardao. The mention of such expectation excites more than a common share of surprise. Can the warmest admirer of irregular troops conceive that a body of Portuguese militia, after the events of the present campaign, could stop a French army, of considerable numbers, in full march to a great object? With the permission of the committee, I will now communicate to the superior wisdom of the gentlemen who now hear me, my conjecture on the causes which led to the attack at Busaco. It appears, by a document proceeding from the Regency of Portugal, that some Portuguese had espoused the French side of the question, and, by a price set upon the marquis of Alorno's head, at this period, that he was particularly obnoxious. In the American war, the British had partizans of the same description. When life, fortune, and character are at stake, the opinions of men are naturally heated, and their sentiments should be adopted with great caution. It occurs, therefore, to me, that the Gallo Portuguese persuaded the French General to try, at all risks, an attack upon the British and Portuguese, when formed in one line. They impressed him with a belief, that the Portuguese battalions would not stand the French fire and attack, and that a chasm would be made in some part of the position of the allies; from which state of confusion, a general, skilful in military movements, would derive the greatest advantages and happiest consequences. Such an event might present to marshal Massena the golden opportunity of achieving a great victory, at a considerable distance from Lisbon, and the shipping of the British. The consideration of the scene of action, the mode of the attack, the manner of desisting from it, the movements made directly after the repulse, all confirm me in the belief of the suggestion I have deliberately entertained. The motionless state of lord Wellington's army, immediately subsequent to the defeat of the French columns, and the proclamation which marshal Beresford gave to the world about this period, both likewise minister to my conviction on this subject. The proclamation alluded to cites all Portuguese officers, then absent from their battalions, immediately to join their colours, or plainly tells them they shall be stigmatized as deserters. This term of infamy, proves the enormity of the transgression, and the number of the delinquents. Such a circumstance of notoriety could not escape the knowledge of the enemy's spies, and the Portuguese adherents to the cause of France, and, united with the other causes which I have enumerated, might have had some weight in alluring marshal Massena to make the experiment which I have described, as the attack of the allies upon the ridge at Busaco, cannot otherwise be accounted for, and appears, without such a design, entirely unnecessary. From the neighbourhood of Coimbra, the two armies moved with all possible celerity; the allies, to attain their strong position at Torres Vedras; and the French, to bring lord Wellington to action, previous to his arrival within his fortified camp. It is reported, that marshal Massena disencumbered his army of its baggage and heavy cannon, in order to effect the design he had in contemplation. The allies, however, accomplished their plan, and the French derived no other satisfaction from their rapid march, than confining them to the line of the road, preventing them from exploring the country, and driving in the cattle and other valuable articles, with which that part of Portugal abounded. On the arrival of the allies at Torres Vedras, supplies, equipments, and British reinforcements, were found in aid of lord Wellington, and the position of his army had been strengthened by superior skill, and unceasing labour. Marshal Massena soon discovered the strong situation, and formidable preparation of his adversary, and did not long cherish the idea of making an impression upon them in the present condition of his troops, after the hardships they had suffered, and which were daily accumulating around them. From deserters, who flocked into the camp of the allies in great numbers, the wants and distresses of the French, with respect to shoes, spirits, equipments, and even of ammunition, were strongly rumoured and almost correctly ascertained. The periodical rains which had begun to fall, soon obliged marshal Massena to send a consi-

able corps, under general Loison, to
k out for subsistence and cantonments
he neighbourhood of Santarem and the
er Zezere. Lord Wellington, in a dis-
ch, dated on the 30th of October, men-
ns the departure of general Loison's
achment, and his supposed arrival on
banks of that river, at a point, about
ty miles distant from the French posi-
n before Torres Vedras. After marshal
ssena had faced the allies without
posing to make any attempt upon their
es for nearly the space of one month, in
ich situation his army had suffered
der severe privation, had been exposed
great inclemency of climate, and had
tained diminution by desertion, he
hdrew at night-fall with great silence,
order to possess the cantonments pre-
red under the superintendance of gene-
Loison. As the pursuit made by lord
ellington was not productive of any
nsiderable advantage, it will be neces-
y to survey the condition and situation
the two armies at the time they respec-
ely took up their positions in the vici-
y of Cartaxo and Santarem. At this
riod, the first opportunity was afforded
the contending parties to relax from
e severity of military duties, which,
th little intermission, had prevailed in
th camps during a long and arduous
uggle. Before I state the relative con-
ion of the two armies, and the result of
e past operations, I will again make an
peal to the candour of the committee.
I have made any observations, with too
ich severity, on the shortness of the
ges of Ciudad Rodrigo and Almeida—
the precipitate retreat of lord Welling-
n upon the magazine of Coimbra—on
e superior advantages of the allies after
eir arrival at Torres Vedras—and the
mpletion of marshal Massena's retreat
Santarem—I must defend myself by
ying, that the information received
on those subjects is as yet incomplete,
d unsatisfactory to the military reader.
e documents, to enable us to judge with
rness and impartiality, have not yet
en presented to the House of Commons,
d therefore the hour of approbation or
ndemnation is not yet arrived. Lord
ellington's explanations may be per-
ctly satisfactory both to professional
itics and a generous nation. The mili-
ry parts of the question are not yet be-
re the tribunal of the public; but what
ust Great Britain think of the system
hich has been acted upon for the last
three years by the ministers before us? That system, if it had any plan, must have embraced the entire defence of the peninsula in the first instance. At the commencement of the present campaign, it must have had for its object the protection of the kingdom of Portugal.—It now upholds Lisbon, and at some future day, a large proportion of the navy of England may be collected and employed to protect and receive the surviving combatants of the British army. The numbers and position of the British, the Portuguese, and the Spanish troops at Cartaxo and Chamusca, enabled the commander in chief to cover and extend his lines at Torres Vedras, and to carry on the works near Almeida, for the defence of the port of Lisbon. Within the confines of his power it is now incumbent upon me to describe the extent of the population he has to provide for, and the means for carrying so necessary a duty into execution. The military portion of the three armies, will require at least 90,000 rations each day. The population of the intermediate towns and villages, as well as Lisbon, must necessarily amount to 200,000 mouths, nearly destitute of food: and the other inhabitants of Portugal, who had preceded the march of the allies, or joined them on their route, will perhaps exceed another 100,000. The provisions, therefore, to be issued daily, without taking into account the marines and seamen on shore, or afloat in the Tagus, will form a gross amount of nearly 400,000 rations. The stores, either of a public or private nature, in Lisbon, cannot have been left, after so continued a warfare, in an abundant state. The desolation which prevails in war, must long ago have exhausted every article of life between Torres Vedras and the capital. The supplies, to sustain the efforts of the soldiers, and the existence of the inhabitants, must almost entirely depend upon water-carriage from foreign countries. America, as long as it suits her commercial advantages, and does not contravene her politics, may bring her flour; the coasts of Africa can yet afford fresh meat; and Ireland and England will yield and transport salted pork and beef, as well as hay, port wine, and many other necessary articles, to the shores of the Tagus. For the whole of which, the treasury of England must provide the means of payment; and for the most considerable part of these supplies, bullion, or bills of exchange, at a great loss of money, must be furnished.

The sums paid likewise to the Transport-office, for the general service of the army, cannot be omitted, as that expense will not be found unimportant, it having contributed more than any other to the termination of the American war. On the total loss of the British army, since the commencement of the continental war, by the sword, sickness, climate, and casualties, it is out of my power to form an accurate calculation. By returns only of the men sent to, and returned from Portugal, can the exact loss be precisely ascertained. But I think I may hazard a conjecture, that Great Britain, up to this time, will have sustained a diminution of her disposable force to the amount of more than 50,000 men. Another circumstance, which I have not hitherto mentioned, cannot be passed over: When the Bank made a communication to government, late in the last year, of the difficulties which would occur in sending more bullion out of England, it was suggested that specie to a great amount might be procured at Cadiz, on its arrival from Spanish America; but the distractions which prevail beyond the Atlantic, preclude the hope of much money being obtained from that quarter. On marshal Massena's arrival at Santarem, the condition of his army became greatly ameliorated. The convents, churches, and buildings of that place, afforded both shelter and convenience to many battalions that had hitherto been in a houseless state. The favourable situation of the local, it being protected by the Tagus, the swamps, and the mountains, gave a great relief to the severity of the duty which before had necessarily been imposed upon the French soldiers. The cantonments which had been provided between the river Zezere, Torres Novas, Goligao, Thomar, Leyria, and the contiguous villages, received the whole of the troops, and at the same time covered the most fertile as well as the best cultivated parts of Portugal. The ground, therefore, on which the French army now stood, gave comparative abundance, to what it had experienced either on the outset or during the continuance of the campaign. The herds and flocks were found upon the land; the mills were placed in a state of activity; and the late harvest and vintage had hitherto received in those quarters little or no diminution. It appears, by different channels of intelligence, that occasional patroles are made by the French, for various military purposes, to the frontier of Spain, across the river Mondeg and to Lamego, on the banks of the Douro; which have been sometimes interrupted by the peasantry and the militi of the country. Notwithstanding any interruption from this, or any other cause Portugal has been obliged to supply th great proportion of the subsistence required by marshal Massena, and mus continue to furnish all his demands, unti the seasons allow the junction of reinforcements, and the consequent commencemen of active operations. If we now survey with candour and truth, the result of th operations since the commencement of th campaign, we must admit that the enem has gained possession of two importan fortresses, with their artillery, garrisons and stores; that he has advanced ove rivers, mountains, and an extensive country; and that he now occupies a positio which keeps the allied army in check and at the same time enables him to fee his troops, build boats and pontoons, an concert his future designs. At this perio of apparent repose in Portugal, it may no be improper to call the attention of th committee to a retrospect of the transactio which had occurred in Spain. The desultor warfare which had been attempted both i the south and north, by British officers and with British resources, had not bee crowned with success. The condition a well as character of Spain had undergone a considerable alteration, since th commencement of the struggle, for th dearest rights and privileges of humanity The defeat and captivity of general Dupont, an officer of reputed celebrity, th glorious and patriotic defences of Saragossa and Gerona, had no parallel in th late events upon the peninsula. The surrender of Ciudad Rodrigo, and the fall Tortosa, with the abundant garrison an stores which it contained, bore no resemblance to the chivalrous and magnanimou efforts displayed in the first effervescenc of the resistance to Buonaparte. An ep tome of the state of Spain, during the la nine months, is not an unimportant featu in the argument I am now offering to th committee. The map of the peninsu shews the Pyrenees, the frontier of Po tugal, and the French position at Santare In their progress from France, as Buon parte has no water carriage, his troo must perform considerable marches; the must traverse Spain, in all directions, wi stores and ammunition; and great an small detachments must necessarily ha ven or eight hundred miles to pass over, order to advance the main operations fore Torres Vedras. What, therefore, ıst we think of the patriotism of eleven llions of people, in permitting the hos- bands of their oppressor to penetrate ough the heart of their country to over- elm their allies, when such natural ob- cles as mountains, rivers, and defiles, in their occupation and possession? pecially when we recollect that three itish armies, and weapons and clothing all descriptions for 300,000 men, have en transported from Britain for the de- nce and use of the inhabitants! Yet we ve proofs, so degrading to patriotism, eekly and daily exhibited to our con- mplation, in the junction of all the dif- rent columns which reinforce Massena's my. Of the numbers and the arrival of e reinforcements from France, his Ma- sty's ministers must have more accurate counts than the public have in their pos- ssion. The private communications m lord Wellington must contain more telligence upon that point, than the utilated Gazette-letters given to the orld. We have heard of Drouet, Gar- nne, Erlon, and other general officers, inging up columns and divisions, and of e progress of marshal Bessieres through e northern provinces of Spain; but any ing like a clear amount of force is, in no count, specified with any thing like ficial regularity. The people of Eng- nd may fairly infer, from the silence of s Majesty's ministers, and the known nbition of the tyrant of Europe, that the inforcements arrived in Portugal, or ex- ected by the French in that quarter, will commensurate to the important object mmitted by Buonaparte to the arrange- ent, vigilance, and charge, of marshal lassena. The preparations made by his ajesty's ministers for reinforcing lord Vellington's army in Portugal, embraced wide and distant extent; and, if we give ny consideration or reference to the fo- eign services and colonies of Great Bri- in, consisted of a greater supply than er population can long continue to sup- ort. From Sicily, Gibraltar, Cadiz, Nova cotia, and the mother country, reinforce- ents for the peninsula have been selected. has been reported that a detachment of me magnitude has been sent from Sicily. he future security of that island is there- y, I apprehend, placed in a state of ha- rd, as I cannot discover any depôt of ldiers from which that possession can be supplied, when the French and Neapolitans re-commence their operations. The continental papers point out the preparations for future attacks in that quarter; and the return of the British general at this juncture, who has acquired professional glory in defence of the Sicilian court and country, rather impresses me with an opinion that he has not contemplated the measure alluded to, with perfect satisfaction. The state of the garrison of Gibraltar, and the reputed importance of that fortress, did not permit a great diminution for the warfare upon the peninsula. A detachment was, however, selected under the command of lord Blayney. But from Cadiz the draft has been so great, that the besieging army has been left at liberty to move almost entirely to the river Guadiana, to co-operate in the manœuvres and operations of marshal Massena. Through Merida, stores of every description for the service of the French army in Portugal, have been conveyed under the direction of marshal Mortier. And the Spanish army on the banks of the Guadiana, in the town of Olivenza, has received a blow from marshal Soult, who is reported to have marched his troops from the lines before Cadiz. From Nova Scotia and Halifax, and other British dependencies in that quarter of the world, all the troops have been brought which might have contributed to influence the decisions of the American congress, in the diplomatic controversies now subsisting with the United States. What is the condition of Ireland? Is not our sister kingdom stripped to nakedness, and, by the late circular letter of the government, goaded to despair? I forbear to ask for returns of the regular force in that island, which would equally prove the insecurity of that country, and the imbecility of his majesty's ministers. I believe it has been said, since the commencement of this session, that the numbers of men are as great as they ever were for the protection of that island. But doubting, as I do, the validity of that assertion, of what is the force for the defence of Ireland now composed? I entertain a great respect both for the volunteers and militia of that country. I have often seen and admired them. But I pass over summarily this question, by giving an opinion to the committee, after the experience arising from a considerable command in that island, during the present and the last war, that Ireland ought not to be left without 25,000 regulars, during the continuance of the vital struggle between Great Britain and Buonaparte. If, upon due consideration, I imbibed that opinion nearly six years ago, the changes made in the north of Europe, since that period, rather augment than diminish my conviction with respect to the force necessary for the security of that important quarter of the empire. Within the precincts of this island, every thing has been gleaned of a military description, to advance the Quixotism of ministers upon the continent. From the infantry of the line almost every battalion has been selected that was fit for service. Of the cavalry, you have not sent the last draft, at least you have not embarked the eleventh regiment, because I suppose representations have arrived of the unfitness of the local, in the neighbourhood of Lisbon, for the operations of light dragoons, and of the present straightened situation of the cavalry already in that country, on account of forage. But from the guards, which have two brigades at this instant serving in Portugal and Cadiz, you have been compelled, by imperious necessity, to make a miserable selection in point of numbers. The three regiments produced, according to the information of the public prints, a reinforcement for the army in Portugal of 100 non-commissioned officers and privates. All the brigades, regiments, battalions, corps, and even companies which could be collected, have been assembled, and sent to the peninsula. The great majority of them have long been acting upon the continent, and the last division of the British reinforcements has, ere now, arrived on the shores of the Tagus. Laying out of the question the hazard incurred in all the quarters from whence troops have been drawn, what have you achieved, or what can you accomplish? From the frontiers of Spain, the allied armies of England and Portugal have fallen back to the neighbourhood of Lisbon, and with the pressure of an expense which will soon prove intolerable, and, to defray which, you must make an increase of your tax upon income, you have collected all the distressed inhabitants of Portugal to ask for daily bread at the hands of the British general; whilst our common enemy, pleased with the measures of your insanity, in prosecuting a continental war, is congregating at his leisure a mighty force, and can add to its immensity and mightiness in the comparative proportion of ten combatants to one. He is not entangled by suffering inhabitants—by th cries of humanity—or by the importun ties of famishing thousands: he is not r stricted in his operations, by any respe for laws, human or divine: he does n call in vain for reinforcements; nor ha he drained to the dregs the military popu lation of Europe. Massena and his maste are now bringing to a close the downfall British resources, and, with fell an malignant joy, are already contemplatin a mortal blow against the unprotecte vitals of our empire and constitution In this advanced age of the world, an in the present state of society, few occu rences, or even difficulties, can preser themselves, in aid of which we may n derive advantage from history. You ha the power of investigating the conduct o our ancestors. Hume says, "The Englis never entered upon foreign wars, althoug much too much addicted to that unwis course of proceeding, except when young king of genius, to lead the armie presented himself to the nation; whe distraction prevailed amongst their ene mies; and great allies were ready to co operate in their designs." The conditio of Europe, and the fallen state of Austria might have exhibited to his majesty's mi nisters a salutary lesson with respect to the peninsula. If ancient history is worthy of your consideration, look at the fate o Carthage—a commercial against a military nation! If that government had not des tined the flower of its army for the invasion of Italy, the overthrow and destruction i Africa might have been retarded, or ulti mately averted. But it is in vain to cite instances from history to you, if you are not admonished by your own errors. You ought to have remembered the first ill-planned expedition from Salamanca, committed to sir John Moore. You ought to have remembered the enterprise directed against Madrid, under the auspices of lord Wellington. Both these awful lessons are written in the blood of your best soldiers! and yet you intemperately urge on your course of folly and rashness, and lay open the last disposable army of England to dangers of that extent and alarm, as such a precious stake ought not to be liable to, except upon our own shores, and in defence of British liberty and independence. I have now done: I may have urged some topics with too much vehemence, but I have been actuated solely by patriotic views of the points at issue, and, in such a career, "The laws of council bid my tongue be bold." am sensible, likewise, I have omitted ny things, and that I have not done tice to the great question I have endea- ured to bring under the serious conside- ion of the inhabitants of the united gdom. Yet I cannot sit down without ologizing to the committee for the en- achment I have already made upon its e. I move no resolution—but leave s statement to the good sense of parlia- nt and the nation, as every human ing, from the throne to the cottage, is in- ested and involved in the ruinous conse- ences of your continental warfare.

Lord *Castlereagh*, adverting to the eech of the hon. general (Tarleton), said at it was certainly competent for any ember upon the army estimates, to pur- e such topics of military discussion as thought fit, but as the observations with hich he (lord Castlereagh) was desirous troubling the committee, grew out of e details which the secretary at war d that night opened in his speech, and the honourable general had himself ted, that a more regular occasion would reafter occur for reviewing the affairs of e peninsula, and the events of the last mpaign, he hoped it would not be consi- red that it either arose from disrespect the honourable general's arguments, or om acquiescence in his sentiments, if he stponed, till that occasion should arise, enter upon a field of discussion too in- resting in its nature to be lightly passed er, and too extensive to be mixed with e detailed considerations of the army, ore immediately the object of that night's bate.

Lord Castlereagh said, he should not feel necessary to trouble the committee at y length upon the financial part of the timates—the outline of the intended rvices had been explained with great earness by the noble lord (Palmerstone), d the votes proposed seemed to be regu- ted with all due attention to economy, nsistent with the efficiency of the army pon its present high scale, in point of mbers.

The only estimate to which he was par- cularly desirous of alluding, was that hich went to reduce the annual training the local militia from 21 to 14 days.

The share to be had in creating this rce, the interest he personally felt in its ell-being, and the conviction impressed his mind, that the permanent security the empire rested on its improvement and conservation, made him very reluctantly acquiesce in any retrenchment which might have a tendency to impair the discipline, and consequently the efficiency of this great system of national defence; but whilst he acknowledged his repugnance to the proposed change in a military point of view, he was ready to admit that there were grave considerations which operated the other way, arising from a due attention to public expence, and the general convenience of the men serving. In this state of things, as a friend of the measure, he thought it best to submit to the change, as an experiment. The local militia had hitherto found in the country nothing but friends. He thought it would be prudent in its advocates not to attempt to strain a string which so happily had been wound up to its present pitch. If we had been obliged to relax in the number of training days, which originally appeared to him necessary, he had the consolation to observe the institution flourish in a degree far beyond his hopes, from the universal zeal and spirit with which the nation had carried it into execution. All distinctions of party had been lost in the common effort; to that patriotic spirit he was willing to trust for preserving and improving this force, even under the proposed modifications, satisfied that there was but one common feeling in parliament, and throughout the country, that the efficiency of this institution must be upheld, and that so long as it was effectually sustained, the security of the British empire was placed beyond the reach of danger.

Lord Castlereagh then proceeded to notice the concluding part of the secretary at war's speech, which related to the recruiting of the army. It was that branch of the subject on which he had come down, desirous of calling for that information which the noble lord had so fully imparted to the House. To those conversant with army details, it must have been obvious, without reference to returns, that carrying on operations abroad on the scale we now did, the waste of the army, even from the common casualties incident to troops in the field, must very considerably exceed the resources of ordinary recruiting. In looking to what it might be necessary to do, he was ready to acquiesce in the principle laid down by the noble lord, that adverting to the magnitude of the force which the country now happily possessed, the object to be aimed at was rather to keep up, than augment the present numbers of the army.

It having fallen to his lot officially to propose to parliament all the onerous measures which had taken place since the year 1805, for levying men, it was gratifying to him to find, that these efforts had achieved the great object to which they were progressively directed; that the zeal and perseverance of the nation, in cheerfully submitting to these burthens, was rewarded by the powerful army which they now possessed, unexampled before in any period of our history, and which left to parliament the easier task of hereafter upholding what by past labours had already been created. In illustration of which lord C. referred to the effective strength of the army, as stated by the noble lord, viz. regulars 211,000, militia 84,000; total rank and file, regulars and militia, 295,000, exclusive of 24,000 artillery. Comparing this with the state of the land forces in 1805, viz. regulars 155,000, militia 90,000, artillery 14,000, the committee will see what has been the result of the measures adopted, namely, an increase, after covering the annual waste, of not less than 56,000 regulars, and 10,000 artillery.

Such being the state of the army, and the annual casualties being estimated by the noble lord at 23,000 men, (which exceeded, by about 7,000 men, the average of former periods) it remained to be considered how this waste was to be covered—taking the produce of ordinary recruiting at eleven thousand men, and the foreign recruiting at from 2 to 3,000, there remained a deficiency of 10,000 men to be annually provided. The measure of procuring these men by an annual draft from the militia, as suggested by the noble lord, had his entire approbation. It was extending to the British militia a principle which had long been acted upon in Ireland with the greatest advantage, and, as far as he could judge as an officer of militia, without any material prejudice either to the discipline or efficiency of the regiments which had been subject to the operation of the draft. The details of the increase would be matter of discussion when the noble lord introduced his Bill; he would only now throw out two points for his lordship's previous consideration:—The first was, the great discouragement which the present regulation, with respect to the provisions for militia-men's wives and families, opposed to volunteering into the line. He was aware that there was considerable difficulty and some delicacy in applying a remedy to this evil; but he wished it to be considered, as men entered into the line upon a variety of terms, differing in their nature and degree of encouragement, whether the allowance now enjoyed by the wife and family of a militiaman might not be continued to them, at the public expence, relieving of course the counties from the charge, in the case of the husband agreeing to transfer his services to the line, and whether this would not operate as the best species of bounty. Without this encouragement he was afraid the measure might not prove productive to the full extent, with it, he was confident it would; and if this indulgence, as an extraordinary effort for securing a supply of men, was confined to the men now actually serving in the militia, no inconvenience could arise to the ordinary recruiting, which might otherwise happen, if it were allowed to operate as a circuitous mode of enlisting into the line.

The second point to which he wished to direct the attention of ministers was, the system which he had introduced in the Bill of 1809, of endeavouring to protect, as far as possible, the counties from the heavy inconvenience of a ballot, by enlisting men for the regular militia at a fixed bounty, inferior to that of the line, and that bounty, where the vacancy arose from transfers to the line, falling as a charge upon the public, and not upon the county, provided the county succeeded within a certain time in raising the men. Lord Castlereagh wished to see this principle persevered in; he thought it an equitable one; he understood in many counties, where due exertions had been used, it had proved successful in exonerating the counties; and he was impressed with the wisdom as well as importance of connecting with the proposed measure every regulation that could tend to mitigate its pressure. He was aware, from the present numbers of the militia, as compared with the intended establishment of 72,000 men for the united kingdom, that a demand upon the counties was not likely for some time to occur, but the interval he thought ought to be employed in their levying, without expence or inconvenience to the counties, the men which were to protect them, at the end of the second year, from the inconveniences of a ballot, for the successful accomplishment of which useful purpose, a new facility would be found in the manent staff of the local militia, which ght be employed in aid of recruiting ties from the militia regiments in rais- men in the respective counties.

Having stated his views with respect he means best calculated to keep up army, lord Castlereagh proceeded to the attention of the committee to an provement in the military system of empire, which he had always deem- of the highest importance, of which never had for a moment lost sight, l which he had only been induced, en in government, to delay pressing on the consideration of parliament, m the persuasion that its success ght have been risked, had it been maturely brought forward, entangled th the many other arduous military asures, which had in latter years cupied the attention of the legislature. hen he spoke of the military system of empire, which he trusted at last had umed a permanent shape, he did not er to any particular mode of levy- men for military service; much litical contest had taken place on this ject, which in its nature did not appear him capable of being reduced to any mutable principle, but must vary with e occasion, the state of the country at e time, the difficulty or facility of pro- ring men, and the number required; but at he considered as more immediately nstituting our military system, and on hich the repeated judgment of parlia- ent had been pronounced, was — 1st, at we should possess a large regular my adequate to all the various extensive mands of this great empire abroad, hose best interests, in time of war, even hen viewed on defensive principles, as found to consist in the active annoy- ce of the enemy :—2dly, That we should ssess a still more numerous force of local ilitia, assembled occasionally for pur- ses of training, but calculated from its mbers at once to protect the country om even the menace of invasion: and 3dly, -A considerable force of regular militia, ady to be called forth at the first com- encement of hostilities, (an advantage hich he was persuaded no other de- ription of force could possess) and com- etent, from their being constantly under ms in time of war, to occupy the gar- sons and advanced positions of the em- re in the absence of the regular army, d to afford that defensive cover, under hich the local militia, should an invasion attempted, would have to assemble.

In looking to this system as a whole, and in contemplating the adequacy of each branch at the present moment to its respective functions, it was impossible not at once to be struck with the imperfection attaching to the latter branch of the public force, namely, the regular militia, whose sphere of service is not co-extensive with the general exigencies of the empire, but is broken, and localized, by those national distinctions which happily, in other respects, have ceased with the union. The inconveniences of this defective organization, perhaps, have been the more slow in impressing themselves on our minds, from the laudable alacrity with which the militia of both countries have been ready at all moments of exigency to fly to each others's assistance; but independent of the time lost in giving legal effect to such voluntary offers of service, and the serious objections that attach in principle to troops having to deliberate at any time upon the duties they are to perform; there are many cases that may arise, and must arise where the power of making a distribution of the militia force, different from what the law at present permits, may be of the highest importance to the empire, and yet the necessity for it, not of that obvious and striking nature, which, like the exigency of rebellion or invasion, at once calls for the tender of the services required, It is obvious how much the power of stationing a corps of British militia in Ireland might facilitate, at this moment, the reinforcement of the British army in Portugal: and if a period should hereafter arrive, when, instead of the disposable force of the empire being employed, as at present, in a quarter where it in fact covers Ireland from attack, it should be engaged in operations on the side of Holland, or the shores of the Baltic; how materially might not the defence of Ireland depend on the power of making such a distribution, considering the means the enemy generally possess of assembling a force, and menacing Ireland from the western ports of the continent.

The principle of a common militia for the empire, however obvious impolicy, must rest for its accomplishment on the growing sense of its importance. When the militia system was extended to Scotland in the year 1797, it was not at first thought prudent to hazard the measure, by extending the services of the Scottish militia to England, and it was not till a subsequent year that the conditions of the service of the Scottish regiment were assimilated to those of the English militia. It is not to be wondered at, therefore, if the extension of the principle to Ireland has not more immediately followed the union; but the time (lord C. said) he was convinced was arrived, at least so he was led to be of opinion, from the communications he had had with individuals of both services, when this great work might be accomplished, under proper regulations, with the general concurrence, both of the British and Irish militia.

When he spoke of regulations, he did it from a conviction, that to render the measure acceptable it was necessary that the gentlemen serving in the militia should be clearly apprised beforehand what the nature and extent of the inconvenience was to which, from the consolidation of the militias, they might be exposed. With this view, and from a persuasion that in any other supposible case than that of actual rebellion or invasion, it could only be deemed expedient to employ a proportion of each militia in the other country; lord Castlereagh said, he was desirous of recommending, that the proportion should be fixed, not to be exceeded except in the event of rebellion or invasion; that the tour of duty to serve in the other island, should be taken by the regiments in rotation, and that no regiment should remain on such service beyond a time to be limited. It had occurred to him to propose, that the number liable to be so employed at one time, should not exceed one-fourth of the British, and one-third of the Irish militia, which would furnish a transferable force of about 10,000 men of the former, and 8,000 of the latter; and that the period of the service of each regiment, out of its own island, should not exceed, at the utmost, two years. He was aware, that a protracted absence from the vicinity of their own counties, might prove inconvenient both to the concerns of the regiment and of the officers; but when it was considered that the rotation of service in Ireland would, to the English militia, come round only once in eight years, supposing the whole period to be one of uninterrupted war, and that leaves of absence are, at all times, liberally granted to militia officers, whose private affairs require this indulgence, he could not but feel sanguine, that the gentlemen interested would, for so great an object, cheerfully submit to this additional sacrifice.

It was not merely to the military advantages of the measure that he looked with an anxious solicitude for its accomplishment. He was of opinion, that its moral effects upon the empire would operate not less beneficially; he could assure the committee that his desire to see it accomplished, did not spring from the smallest distrust of the Irish militia soldier in his own country. It was not the language of management, but of sincerity, when he declared, that his confidence in them was as unbounded as in any other portion of the militia army. He had seen them tried severely in the worst of times—such times as he trusted would never again recur, and had always found them do their duty with exemplary zeal and fidelity. It was from a wish to cultivate intercourse, and to abolish every trace of separation between the component parts of the same empire, that he pressed the measure—he was desirous that the gentlemen of England, serving in the militia, should, by observation, inform themselves of the actual state of Ireland, unfortunately too little known, and too often misrepresented—that they should witness on the spot the generous and endearing qualities which distinguished the national character of Ireland, and which the pestilent labours of the disaffected had not been able to extinguish. He was also anxious that the Irish militia should have an opportunity of mixing with their fellow-subjects on this side of the channel; for, proud as he felt of the essential qualities of his countrymen, he was persuaded they would derive advantage from passing in the service of their country, into Great Britain, and there witnessing the happy state of society in which a people lived, who had long subjected themselves to industrious and moral habits, who looked up to the magistrate as their best protector, and to the law, which had made them what they are, for every future blessing—such an intercourse could not fail to improve both, to unite them in sentiments of common interest, and to cement in the feelings of the people, the union which had for ever bound their fates together. He was himself old enough to remember when the different provinces in Ireland were so estranged from each other in habits, that the inhabitants of the north and of the south felt it a less separation from their homes to cross the Atlantic, than to transfer their residence and industry to the other extremity of the island. Time had done

nething to remove this, but the institu-
n of the militia had done more—the
nstant intercourse, the intermarriages,
knowledge derived of the entire island
the interchange of the regiments be-
een county and county, since the year
93, had nearly obliterated these preju-
es, and made the inhabitants of Ireland
e people—might not similar effects be
ped for in the empire from similar
uses, and to procure such happy results,
at efforts ought we not to make? To
nder them effectual nothing is wanting
t a further exertion, under the sanction
the legislature, of that patriotic devotion
nich the militia officers have never failed
display, whenever they saw and were
nvinced that the public service demand-
it. In order to lay the foundation, it
uld be sufficient to provide, that all
n hereafter entering into the British
d Irish militia, shall be attested to serve
the united kingdom—to empower his
jesty to receive voluntary offers from
e respective regiments, of an extension
service, with a power in the crown to
ite such offers, under such rules and
gulations as to his majesty should seem
Such was the general outline of the
asure, which, with the concurrence of
colleagues, had he remained in go-
rnment, and with the good-will of the
ntlemen of the militia, he should have
en desirous of proposing to parliament.
had felt it his duty a an individual,
eply impressed with its importance,
mbly to submit his ideas upon it to the
mmittee, but without the presumption
supposing, that unaided by the inter-
urse of office, a plan of this nature could
properly digested. It was not his pur-
se to offer any proposition to parlia-
ent on the subject—such a measure
uld only originate with propriety, or
th any prospect of success, in his ma-
sty's council—he had done what became
m in committing it to their considera-
n, they alone could judge of the pru-
nce of bringing it forward, and select
e time and mode of carrying it into effect:
he felt persuaded the measure itself rest-
upon principles which would conciliate
it friends, and invite support; he trusted
would, upon due reflection, recommend
elf to the militia of both countries, and
at they would aid the king's govern-
ent in rendering to the empire this most
portant service.

Mr. *Herbert*, of Kerry, warmly sup-
rted the proposition for an interchange of the services of the militia forces of the two countries, as likely to be productive of the mort important advantages to both.

Mr. *Stuart* thought the inconvenience of transporting the militia from England to Ireland could not be greater, in most instances, than in sending them from England to Scotland.

Mr. *Whitbread* conceived it to be a most unjust and unequal burthen imposed on the counties of England, that they should thus, from year to year, be obliged to find men to supply the deficiences in the army. There were some details in the statement, too, to which he objected, though he should find other opportunities of stating his objections. Three different members of the medical board, he observed, were to be allowed to retire on salaries, who had differed greatly from each other. It was impossible they could all be right. Some of them must have been deficient in their duty, yet all were to be rewarded for their merits; and what was still more strange, the merit of each was to be equally remunerated, without its being shewn in what respect they were entitled to remuneration. As to the reciprocity of service between the English and Irish militia, he should be glad to see the grand obstacle to this measure removed. This could only be done by adopting a step, the proposing of which had occasioned the overthrow of lord Howick's administration; but he was happy to perceive that the idea was now so much hailed by the other side of the House. The Irish militia could never consent to venture over into this country, while they would be subject to such pains and penalties, which did not attach to them in Ireland.

Lord *Castlereagh* said, they had on a former occasion volunteered their services to Jersey and Guernsey.

Mr. *Whitbread* said, that when the interchange of the militias of the two countries took place, he would call the attention of the House to the state in which the Catholic soldiers would be placed. The noble lord said, the laws against them were a dead letter, and the right hon. the Chancellor of the Exchequer had cheered him. He had however believed that the right hon. gent. thought them of the highest importance, as the safeguard of our religion and church. But, at any rate, if a dead letter, they were most odious to the sight, and ought to be removed.

The *Chancellor of the Exchequer* hoped, if the hon. gent. viewed the plan as others had done, that he would not increase existing difficulties by introducing, unnecessarily, a subject on which particular feelings existed, and which might lead to useless altercations. The inconveniences anticipated were not practically felt by those Catholic soldiers already in this country; and were they to suppose them more likely to be felt by the militia who might hereafter arrive? Some had objected at first to drafting into the regulars from the militia, and objected on the ground that it would prove ruinous to the discipline of the militia; but this, he trusted, had not been found the case. As this was not the time for going into the subject of the late campaign, he did not wish to say any thing on that head. Though he was anxious it should not be understood, that ministers gave up that campaign, or that they surrendered lord Wellington to those who were disposed to condemn his conduct, it was, however, remarkable, that the hon. general was now as forward in predicting disasters, as he was last session in saying the English could not make a stand at all against the enemy. As the prophecy he then made had not been realized, the hon. general had nothing new to say on the subject at present, but could only repeat his old prediction. The hon. general had spoken of the opportunities lord Wellington had had, and had failed to improve. He had spoken as if he might have crushed the enemy at Ciudad Rodrigo, and at Almeida. Why, if that were the case, what became of his censure of the plan of that campaign, and of those who had planned it, seeing, if that statement were correct, though they engaged with an enemy who could bring ten to one against them, they had nevertheless furnished lord Wellington with sufficient means to crush that enemy. This general, however, who had been so severely censured for not attacking the enemy at Ciudad Rodrigo, and afterwards been as severely censured for suffering the enemy to attack him at Busaco. The attempt of marshal Massena was to be looked upon merely as an experiment, they had been told. He wished it, however, to be remembered, that it was an experiment which Massena did not think fit to repeat. If they looked back to what had been done, it would at least be found that lord Wellington had disappointed the enemy, and that he had done more than he had been expected to do by many in this country, though he had not annihilated the French army. The contest, i was true, could not be carried on withou a great expence to this country, but i ought to be remembered that the caus was great, and that the cause was ou own; and great as the expenditure unquestionably was, it was nothing to wha it must be if we were obliged to engage with the enemy on our own shores. I was our interest to prevent that as long a we were able, and that reflection, he trusted, would reconcile the people, no only to what they had already borne, bu what it might yet be necessary to cal upon them to bear.

General *Tarleton* observed, that the right hon. gent. had spoken as if he had attacked the conduct of lord Wellington. He reminded the right hon. gent. that he had disclaimed any such intention; but speaking of the events of the campaign, i was as impossible to avoid mentioning the commander in chief, as it would be to perform the tragedy of Hamlet, omitting the character of prince Hamlet, or to represent Cato, leaving out the most important character, Cato himfelf.

Mr. *Canning* rose and said, Sir, had not I conceived it to be generally felt and understood on all sides of the House, that this was not the fit opportunity for going into the discussion of the character and merits of the late campaign, I should have offered myself to the attention of the House at a much earlier hour. But, although what I still conceive to be the prevalent understanding on this subject, will operate to prevent me from going into any detail upon it, at the present moment, yet after what has fallen from the hon. general opposite (general Tarleton) in his last speech respecting the state of the war in the peninsula, I should consider it an abandonment of my duty, and should reproach myself for having acted an unworthy part, if I were to omit to state shortly the opinions which I entertain upon that most interesting and important question. The share which I personally had in originating those measures which have committed this country in the peninsula against France, renders it necessary for me, as well in vindication of my own conduct, as in justice to the principles by which the present ministers have proved themselves to be still actuated in the maintenance of the contest, to express my unaltered approbation of the system which they have continued to pursue. When-ver the arduous contest shall have been ecided, whether it terminate adversely or iumphantly for the allied arms, I cannot ot consider myself as deeply implicated the issue, and I the rather take this ocasion of putting in my claim to answer this House and to my country for the art I have had in this system of measures, hile the result is yet unascertained: ecause if that result shall be, as I trust it ill be, honourable and successful, I should ppear after the event, to be claiming a articipation of the credit to be derived rom success, without having fairly exosed myself to a share of the blame hich may be attached to failure.

As to the general policy of maintaining he contest in the peninsula, it is, in my pinion, not only true courage but true visdom in Great Britain to avail herself f all means and opportunities of enountering the enemy, which may defer o the last the occasion, if that occasion is o arrrive, at which, we shall have to fight he battle upon our own shores. In this iew, I must contend that the operations of the campaign, even if considered as nerely respecting the war in the peninula have been eminently advantageous. The enemy has at least been kept in heck; and we have not only been gainng time, which, in a war of such a character as this, is no small gain of itself, ime for the working of chance in our favour, but our military means and the military discipline and efficiency of our allies have been greatly augmented. The period of our final and separate struggle is deferred: and the probabilities of success n it, are multiplied in our favour. This at least is the fruit of the campaign. In drawing his picture of the operations, which have taken place from the commencement of the peninsula war to the present moment, the hon. general thinks he has said every thing, when he has declared, that those operations commenced near Madrid, and have terminated in the environs of Lisbon—that lord Wellington set out with a determination to defend Spain—then undertook to protect Portugal—and is now contented with merely covering Lisbon. Why, Sir, even admitting this representation of the hon. general to be correct, (which, however, I utterly deny, though for the sake of the argument I am willing to admit it) I still contend, upon the general principle which I have already laid down, that, whilst there was a possibility of defending Spain in Spain itself, it was the duty, the policy, the essential interest of Great Britain to make every practicable effort for that purpose, that when untoward circumstances rendered it inexpedient to prosecute the contest in that country, Great Britain was bound to maintain it in Portugal—and, if even the vicissitudes of war should have reduced us to the mere possession of the city of Lisbon itself and the strong positions in its environs, even there Great Britain is as much bound in honour as she is impelled by a just sense of her own interest, to make her stand. Never should we give up our hold of the peninsula, while we are able to continue the contest not with prospect of success alone, but without danger of absolute destruction to our army.

But I must not by any means be understood, Sir, as giving into or adopting any part of the views taken by the hon. general of the operations of the last campaign. On the contrary I maintain, that the hon. general's views are as clearly at variance with the facts as those facts are happily at variance with what that hon. general and his friends thought proper arbitrarily to anticipate last year, of the probable success of our operations in the peninsula. If indeed we were to draw a comparison between the present state of affairs, and such a one as, without due consideration and comparison of means and probabilities, we might conceive to be desirable, we must admit that much is wanting to bring the result up to the standard of our wishes: we must admit that much remains to be done—but we are not therefore to give up the contest as hopeless, or to abandon the cause to despair. But we have a right to resort to another standard of comparison; we have to compare the present state of the peninsular war with the insolent vaunts of the enemy and with the gloomy predictions of many amongst ourselves. We have a right, in forming our estimate of the prospect before us, to compare the present state of things with what it was when the whole of the peninsula was in the power of the enemy—when all its strong fortresses were occupied by French troops, when not a breath of resistance was any where to be heard—when the eagles of France were planted, not only over the walls of Madrid but upon the ramparts of Lisbon. This is the comparison, Sir, which we are entitled to make; and from this I am authorised to draw inferences far different from those of the hon. general. As I never was party to those dismal anticipations, which we have too often been condemned to hear in this House; as I knew the talents and skill of the British general—as I was convinced of the valour and discipline of the British army—and as I confidently anticipated the best effects from the instruction and example of English officers on the physical and moral qualities of a brave nation, I have all along looked to the contest in Portugal with hope—a hope qualified undoubtedly by a mixture of anxiety but wholly unalloyed by any thing like despair. Nor has the result disappointed my expectations. If lord Wellington has arrested, in its career of victory, that mighty military power, before whose overwhelming masses the greatest armies of the continent have crumbled into dust; if he has seized the uplifted bolt of vengeance, which was ready to be hurled against the devoted towers of Lisbon, has diverted it from its destination, and conducted it harmless into the earth: if, protecting the kingdom committed to his defence against the destroyers of the independance of nations, he has stood as it were between the dead and the living, and stayed that deadly plague which had filled every other part of Europe with havock and desolation; if he has done this, and no more than this, I am not, I cannot, be disappointed at the result of the campaign. To have saved Portugal, and in saving Portugal to have procured for Spain another year of hope, another season for exertion, and therewith to have given to Europe another chance of recovering from the effects of this furious tempest which so long has raged with unabating fury, and has laid prostrate every thing great and venerable amongst the nations of the world—this is no slight success, [hear! hear! hear!]—this is no mean glory—it is a result worthy all the expence, and effort, and anxiety, that it has cost us—and, if it does not satisfy our desires it may well make us ashamed of our fears.—But if, because lord Wellington has done no more than this, it be thought that he has neglected to take advantage of opportunities to follow up his successes, and to destroy the whole force of the enemy, there is perhaps no commander, on whose behalf an appeal could be more confidently made against such a charge, to the whole tenor of his professional career, and to the prominent features of his military character. If he did not think it prudent to follow up his success against a repulsed but still a superior and unbroken enemy, if he did not think himself warranted to put the advantage which he had gained, to the hazard of a unequal conflict, and to risk by a culpa ble temerity the fruits of what he ha gloriously achieved, we may very fairly presume that in taking a course, not th most congenial to his nature, he has adapte his measures to the circumstances of th campaign and to the peculiar situation i which he found himself placed. Let hi not now be blamed for prudence afte having been so often rebuked for impetuo sity.

But disagreeing, Sir, as I do with th hon. general in his views upon the subje of the campaign, there is no one poi upon which I differ more widely from hi than as to the probable effect and ultima advantage of the system of measures b which the army of England is now, f the first time for many years, arraye against the troops of France in a contine tal campaign, and contending for master under the eyes of Europe. The advantag to our own troops from practice in wa fare—and from having had frequent o portunities of establishing beyond the po sibility of doubt, what we always knew but what the enemy constantly flattere themselves they could disprove by deny ing—the physical and moral superiorit of the British soldier;—the impressio necessarily produced upon the Frenc armies, by the palpable demonstratio thus presented to the world of the groun lessness of their own vain-glorious prete sions to the character of invincible;—the surely are effects which justify the pri ciple of the policy from which they a derived, and which not only contribu to the immediate glory but tend to th ultimate safety of this country.

The hon. general looks to an invasion- to a struggle for our own existence on o own shores. Surely the British soldie who has fought in the peninsula, will n be a less adequate defender of his cou try, and the Frenchman who has met hi there in battle, will not be a more forwa and confident invader. The altered to of the enemy, in speaking of the even and prospects of the campaign, is to m the most decisive evidence of the meri and services of our army; and might, should think, satisfy the hon. gener (Tarleton) himself, that if we are one da or other to have to encounter the enem on British ground, the transactions in Po tugal may at least have contributed to d r that event, so much to be deprecated, a later period than has hitherto usually en assigned for it. He might be satis- d, I really think, that, if such a day is ely ever to arrive, it would not have en so good policy to lock up the whole our military population at home in embling expectation of the moment, hen it was to be called into action by e arrival of the enemy on our coast, as fit ourselves for that vital struggle, by system of active and enterprising hosti- y; enuring our soldiers to the duties d hardships of war—interposing obsta- es to the progress of the enemy while et at a distance—and combining with e sacred duty of affording assistance to her nations, the most effectual prepara- ons for our own ultimate defence.

If we were to have the choice of any e spot in the whole world, where this stem could be most advantageously rried into effect, the present theatre of e war is that which we might most udently have chosen. In the peninsula, r the first time since the French Revo- tion, France is exhausted by the ex- nces of the war instead of being enrich- by its spoils: we have the best autho- y for this fact; we have Buonaparte's vn explicit admission of it. In the pe- nsula France acts at the end, as it were, a long lever through a line of commu- cations, extended, hazardous, and con- antly interrupted; and requiring scarce- less than another army dispersed along at line to keep up the means of feeding d recruiting the army which is employ- l in the operations of the war. To us e sea is open—and the distance and dif- culty of communication no more than e length and risk of the voyage, which trifling in the extreme.

These are the physical and military ad- ntages which would induce me to choose the scene of operations between Great ritain and France, the present theatre of ar, as by far the most advantageous for ngland. But it is impossible to put oral considerations out of the question; forget the ties which bind us to the ommon cause of nations; and which con- ect the defence of their rights and inde- endence with the separate security of our vn. We cannot but feel to how great a egree that, which we are doing for others, lds to our confidence as to what we shall e able to do for ourselves.

I have said, that the tone of the enemy s been changed. Are not our own feelings at least equally altered? Let us recollect that period, at the commencement of the war, when we were in daily expectation of some attempt at invasion; we were all indeed confident, that if the enemy came to attack us on our own shores, we should make a most glorious resistance, and ultimately repel any force which he should be able to bring against us. But the expressions of this confidence we did not scruple to utter, as if they conveyed something of no ordinary spirit and vigour. The wisest and the bravest among us were not ashamed to speak of resistance to invasion as splendid victory. Who is there among us now, that is contented with such language? or who feels, that he does justice to the military character of his country, when he merely professes to believe, that an invasion of this country would terminate in the disgrace and discomfiture of the invaders? Is this the language which we now use? Or are these the topics with which we are now conversant? Are not our language, our sentiments, and our feelings, really and genuinely of a higher sort?

> " What! shall they seek the lion in his den,
> " And brave him there?
> " Oh let it not be said."

And whence then is this great and decisive change in public opinion? whence but from the war in the peninsula? and is not this a revolution of the highest importance? a vain and vapouring confidence springing out of no principle, founded on no practice, and accompanied by no proof and test of its soundness, is indeed far from being a splendid, a safe, or a commendable quality, but a confidence, which has grown up gradually in proportion to our efforts and our trials—which is founded not in our feelings but in our experience—not singly in our own estimation of ourselves, but in a comparison of ourselves with our enemy—which augurs what we may do in our own defence from what we have achieved in the defence of our allies—this confidence is one which may be blamelessly felt, and safely relied on; it is a solid principle of strength, as well as a just ground of exultation; and to have purchased this confidence in ourselves is an object for the attainment of which no sacrifice which has been made, and no burden which may be incurred, can justly be thought more than sufficient. Much, however, as I applaud, and as I partake of this confidence, I am not so blindly sanguine as to look forward to certain success and glory, without taking into my consideration the possibility of a reverse; but when I contemplate that side of the picture, I do so with this consolation, that if ever there was a moment or a situation in which failure (disgrace I will not say, for that is not possible to such an army and such a commander), but in which the failure of the object for which we contend would be comparatively less injurious to us, and defeat more calamitous to the enemy, it is in my opinion the present moment, and the actual situation of the campaign in Portugal. And this too, from moral no less, or even more, than from military considerations. The ruler of France has now the eyes of all Europe fixed upon him. He has now no distant diversion to distract his councils, or draw off the attention of his subjects and of mankind from the one grand object to which he stands pledged and bound—the establishment of his usurped dominion in the peninsula. If he fail in this, his defeat must be most signal and decisive. It admits of no palliation; it is not to be retrieved or compensated by lesser triumphs, nor to be obliterated from memory by the achievement of new successes in other quarters of the world. To be foiled in this great object, and to be foiled by Great Britain, would be to him the most disgraceful, and consequently the most dangerous defeat that he has ever experienced—breaking the charm of his ascendancy, and shaking the foundation of his power. To us it would be the most glorious triumph that the events of this tremendous war have ever yet brought within our reach; the seal of our fidelity to our allies—the consummation of our military character—and the pledge of our national safety.

Such is the character and importance of the contest which is now at issue. What that issue may be, I do not pretend to anticipate. It is in the hands of Providence. But standing at this moment upon that awful eminence, which divides the past from the future; the past chequered with variety of fortune, the future overshadowed with a darkness impervious to human foresight, I am anxious to declare unequivocally, while the issue is yet undecided, that the course and the system by which the military fortunes of the country have been brought to this crisis, have my most cordial and unqualified approbation. (Hear! hear!)

General *Tarleton* returned the right hon. gent. thanks for the eloquence which he had displayed on this occasion, though he could by no means concur in the views he had taken upon the subject of the campaign in Portugal. From the zeal manifested by the right hon. gent. to aid the cause of the peninsula, he supposed that right hon. gent. would be much better pleased if the whole disposable force, and all the generals of the British army, were to be employed in the peninsula.

Mr. *Canning* wished to correct the hon. general. He did not desire that all our generals should be abroad. So long as lord Wellington was employed in the peninsula he could be well contented that some gallant generals should remain at home, to criticise the operations of the campaign, and to protect us from invasion.

The estimates were then agreed to, the House resumed, and the report was ordered to be received to-morrow. Adjourned.

HOUSE OF LORDS.

Tuesday, March 5.

APPEALS.] The *Lord Chancellor*, in pursuance of his notice, moved for the appointment of a Select Committee, to consider and report what measures may be most expedient to adopt, for the purpose of expediting the hearing and determining of Appeals and Writs of Error in the House of Lords. His lordship observed, that he should not attempt to anticipate what the recommendation of the committee might be. It was clear that some measure was necessary, there being now upwards of 270 appeals and writs of error before the House, and it being quite impossible, unless more time was devoted to hearing them than had hitherto been employed for that purpose, that the arrear of business could be got through before another arrear as great or greater had accumulated. Neither should he now observe upon what regulation it might be deemed necessary to make respecting the proceedings of the courts of equity below, in consequence of a larger portion of the attention hitherto devoted to those courts being given to the judicial proceedings of that House, as that subject would most probably come under the cognizance of the committee.

The motion, after a few words from earl Stanhope, intimating his intention of immediately bringing on another motion re-

ng to the same subject, was agreed to,
on the motion of the earl of Liverpool,
ommittee was appointed.

Earl *Stanhope* then entered into the
nsideration of the subject at length,
the purpose of shewing that the
unds of the judicial decisions of the
use ought to be put upon record. His
lship, in the course of his speech,
ed the number of appeals now before
House, up to yesterday, to be, from
courts of King's-bench, Exchequer,
Exchequer Chamber, in England,
; from the courts of Chancery in En-
nd and Ireland, 43; and from Scot-
d, including two from the court of
chequer, 195; making a total of 273.
e delay thus arising was so great, that
ot remedied, what was said by the witty
l Chesterfield to a lord complaining of
horse which he could not keep from
aking down his fences, except by
tting him in a court enclosed by high
lls, "Put him into the court of chan-
y, depend upon it he will never get
;" might be applied by some future
ty lord to the court of last appeal in
t House. His lordship concluded by
ving, "That it be an instruction to
said committee to consider, whether
would or would not be highly advan-
geous, in the distribution of justice, that
s House should put concisely upon re-
d, the points or principles of law,
ich shall form, in future, the grounds
each of its judicial decisions?"

The earl of *Liverpool* opposed the mo-
n, on the ground that it was not appli-
ole to the present stage of the proceed-
, the object for consideration being
ply what means should be adopted to
that which had evidently become ne-
ssary, namely, to expedite the judicial
siness of the House. When the com-
ttee made their report, it would then
for the House to determine finally what
easures should be adopted. The motion
s negatived.

HOUSE OF COMMONS.

Tuesday, March 5.

SLAVE TRADE FELONY BILL.] Mr.
ougham rose, agreeably to notice, to
ove for leave to bring in a Bill for ren-
ring more effectual the Act for the
olition of the Slave Trade. He moved,
at the Resolution of the House of the
th of June 1806, be read; and the
me was read as follows: "Resolved, "That this House, conceiving the African "Slave Trade to be contrary to the principles of justice, humanity, and sound "policy, will, with all practicable expedition, proceed to take effectual measures for abolishing the said trade, in "such manner, and at such period, as may "be deemed advisable." He also moved, That the Resolution of the House, of the 15th of June, in the last session of parliament, respecting the Slave Trade, be read: And the same was read, as follows:

"Resolved, *nem. con.* That this House "has learnt, with great surprise and indignation, the attempts which have recently been made to evade the prohibitions of the Act abolishing the African "Slave Trade; and that this House will, "early in the next session of parliament, "take into its consideration such measures as may tend effectually to prevent "such daring violations of the law."— The resolutions being read, the hon. and learned gent. said that he now rose, in pursuance of the notice he had given, and of the resolutions which had just been read, to move for leave to bring in a bill for the more effectually preventing the dealing in slaves. When he remembered the almost unanimous feeling of the House on this subject, when the resolution which had been last read was come to; when he reflected on the triumph with which the exertions of his hon. friend, the member for Yorkshire, had ultimately been crowned in this glorious struggle, he was induced to believe that it would scarcely be necessary for him to do more than to state, that, notwithstanding the acts of the legislature, notwithstanding the more recent resolution of that House expressive of their determination to see that act strictly enforced, still it appeared that there were persons who, in despite of their authority, did deal in this horrid trade, and did contrive to evade the penalties which they had imposed for the purpose of preventing it. He might appeal for the truth of this statement, to the evidence on the table of the House, and to various other sources of information which had come to his hands, and which were also known to many other members of the House, and which could leave no doubt whatever that a considerable traffic was still carried on in the trade in question, by subjects of this country, resident in our colonies. It would be better for him, however, instead of referring to the evidence generally, to notice one or two instances which had come to his own knowledge, and which must satisfy any man, that the trade was persisted in, not only in defiance of the acts of the 46th and 47th of the king, but even in defiance of the last resolution of the House. In doing so, he should have a disagreeable task to perform; and, as he should have to allude to persons against whom he had such evidence as would be sufficient to lead to their conviction, were they to be sued for penalties, or even to bring home to them a capital felony, had it pleased the legislature to make it an offence of that nature, while he made his statement with full confidence of the truth of what he stated, he should, on account of the heaviness of the charge, not mention the names of the parties, nor even allude to them in any pointed manner. The trade was now carried on, not by vessels supposed to be employed in such a traffic, but in the more innocent one of trading in wood and ivory. One ship, the Neptune, belonging to persons who had formerly been large dealers in this trade, had lately been sent on a voyage for the purchase of wood and ivory. After its return, however, two of the men, persons of excellent character, had stated that the captain also took on board thirteen slaves and two boys, who were carried to the isle of Princes, belonging to Portugal. The captain, after this, bought a smaller vessel, and carried on a traffic between the African coast and some foreign possessions, which served him as an entrepot. Another vessel, named the George, but the name of the captain of which he should not mention, it had been confessed by the captain himself had sailed expressly on a slaving voyage. The captain had been heard to express his anxiety to get safely out of the port from whence he was to clear, not doubting that if he did so, he should be sure of sailing without interruption. Three months ago one of our king's ships stopped a merchant vessel, of which suspicions were entertained, and on examination, the carpenter declared that he had been ordered to fit her out with bulkheads and boards, which are the never-failing symptoms of a slave-trader. On the 12th of December, after the House had expressed its indignation at the attempts to continue this trade, a king's ship fell in with a vessel which bore the name of the Marquis Romana, but which was in reality the Prince William, an English vessel, the owners of which were well known, and on board of which vessel there were not few than 109 negroes. There were others the same situation, but which he shou not mention. He could not help, howeve alluding to other two vessels, which passe by the names of the Gallicia and Palafo it being pretended that they were Spanis vessels. It was made incontestibly ev dent, however, that they belonged to English owners resident in this country, an were in part manned with English. Thes vessels were stopped on another groun and were on the point of being release when it appeared from the deposition one of the masters, that they were th Queen Charlotte and Mohawk; that the were well known to be the property English owners; were under the superintendance of English supercargoes; an that the name of one of the captains wa George Woodbine, which he had change to that of Giorgio Mandesilva, for the sak of carrying on the deception. Not t trouble the House with more instances o this kind, he begged only to call their attention to some letters from colonel Maxwell, and from the judge of the Admiralty at Sierra Leone. These proved, tha though the traffic was greatly diminished and bore no proportion to its former extent, yet that there still existed sufficient t render it highly worthy of the attention o parliament, and that it well became them to consider how they should best free themselves from what still remained of it The judge mentioned that since his arrival in March, 1809, no fewer than 1091 slaves had been brought for condemnation in his court. He was, therefore, warranted in saying, though the trade was greatly diminished, that what remained of it was well worthy the attention of the House. He was not disposed to state that many of the slaves so carried off were introduced into the British colonies; but he did say that they were carried to St. Bartholomew's, and St. Croix, for the purpose of being sent from thence into other islands. In the latter island, advertisements for the sale of such slaves were even exhibited publicly and in open day. It was not necessary for him to accuse those interested in our West India possessions with violating the act of the legislature of this country, and the resolutions of the House; it was sufficient if these slaves were carried to Demarara, Berbice, and the other newly conquered islands. If necessary, on this point he could refer to a contest between the governor of Demarara the planters of Berbice, where, in a orial by the latter, signed with their names, it appeared that they not continued to import negroes, but that were even ignorant of any law to ent them from doing so, or if they aware of such a law, that they were disposed to attend to it. What these orialists principally complained of, the frequent seduction of their weakled and new negroes. Gentlemen ht suppose that this was before the exsion of the feelings of that House on subject. But no such thing. This only in November, 1809, no less than years after the resolution of the se, and two years and a half after the ing of the statute. In defiance of these lutions and of the statute, therefore, House saw the importation of new roes encouraged. If such a trade was red to be carried on, it would be better ffer it to proceed as formerly, so that honest dealer, as well as the smuggler, ht have the means of carrying it on. as unjust to the fair trader, that he ld be excluded, while the unfair trader le a calculation of the chances in his our, and was suffered to be in a better ation than before the trade was put a to. The West Indian himself must nxious to cut down a trade in which himself had no share. If, again, the se looked to the ship owners, they had little or no interest in such a traffic, ing diverted their capital into another nnel. The trade was so much reduced, ar as they could be concerned, that ve of contraband alone could induce n to wish its continuance. Thus, it only from one description of persons the House could now look for oppon to the effectual abolition of this fic; and they were the persons who, ar from being objects of favour or comsion, were those who ought peculiarly e struck at, being those who were now cerned in an attempt to continue this le in defiance of the resolutions of the se, and of the acts of the legislature. vas enough for him only to allude to fact, to take from such persons any tion of the favour of the House. One cessful adventure, it appeared, was sufent to cover three or four failures, and h such prospects of advantage, not ing the benefit of insurance, adventers of this kind finding it necessary to heir own insurers, saw their advantage aving three or four ships out at one time. If the House only considered that such persons could not but be aware of the nature of the trade in which they were about to deal, they could hardly fail being satisfied that there was not a single object more appropriate for criminal legislation. A person fitting out a vessel for this trade knew that he was to arrive on the coast of Africa, and that in various ways he was to get into his possession a cargo of human beings; that he was to sell them into a state of slavery, infinitely exceeding every other, and with circumstances too disgusting to be dwelt on. It was impossible, that a person engaged in such a speculation could have his eyes shut to the evils he was about to inflict; so that instead of being a *malum prohibitum*, it must be seen to be a *malum in se*. Without going further into the cruelties of the trade, without looking to the hardships of the middle passage, it was impossible for any man to shut his eyes against the horrors of such a traffic: and, what then should be said to a person in this country sending his deputies abroad to inflict miseries and cruelties greater than any other? That such would properly fall under the cognizance of the criminal law, it would not be necessary for him to adduce many instances to prove. By an act in the reign of George 2, any waterman on the river, carrying above a certain number of passengers in his boat or wherry, if by any accident a life should be lost, was declared guilty of felony. So even while the slave trade was tolerated, it was punishable to carry above a certain number, in proportion to the tonnage of the vessel, through the middle passage. There were many other instances which he might mention. It was declared to be felony, without benefit of clergy, to damage any public works; to damage London bridge, Fulham bridge, &c. &c.; to destroy any lock or sluice on a canal; to destroy any turnpike house or gate, &c.; and by the 48th of the king, it was declared to be felony to steal oysters, for which the persons offending were subject to transportation for 14 years, or to hard labour for three years. The House would recollect that he was talking of that which was robbery, torture, murder, and they would not fail to punish such an offence with something at least equal to the punishment imposed for stealing an oyster. It was said that the great bulk of this trade in slaves, was carried on by the Americans and the Spaniards. It would appear, however, that both of those countries were putting down the traffic as we had done, and the message from the president to the congress of the United States, recommended the taking of further measures for the complete abolition of that trade. The measure he proposed to introduce would have the effect of making the supercargoes liable, who would be struck at by the act; and if foreign cruizers should endeavour to come into any of our settlements, they might be brought to trial, as a foreigner in this country trying to escape might be brought to punishment.

The hon. and learned gent. concluded by moving "That leave be given to bring in a Bill to render more effectual the Act for the Abolition of the Slave Trade."

Mr. *Marryatt* said, he had received information of one ship having been seized laden with slaves, and that there were three others in similar circumstances which were following. From every information the trade was still carried on to a great extent, and he trusted every measure would be adopted totally to prevent it.

Mr. *Wilberforce* strongly supported the measure now recommended to the House, and begged his hon. and learned friend to accept his warmest thanks for the great trouble and anxiety he had shewn in bringing the matter before the House. He hoped, that as they had a great deal to answer for in allowing so horrid a traffic to exist for such a length of time in this country, the House would now do all they could to make a compensation for the evils they had so long suffered to exist, by providing, by every means in their power, for its total prevention in future. The measure of his hon. and learned friend, he trusted, would have this effect. He had no doubt it would be unanimously agreed to; but, if it should prove ineffectual, other measures must be resorted to.

Mr. *Barham* was sorry to understand, that the illicit trade in slaves had so greatly increased, that if not effectually checked, it seemed as if it would shortly exceed that slave trade which had been abolished.

The *Chancellor of the Exchequer* fully agreed in the necessity of taking every step for stopping so unjust a traffic. He could not suffer the business to pass, however, without distinctly stating that the object of the hon. and learned gent., as imparted to him, did not go to make the offence a capital felony, but one punishable by transportation or imprisonment.

Mr. *Brougham* explained, that such was his object in the first instance. He shou propose transportation for any period n exceeding 14 years, or imprisonment f not more than three nor less than tw years. It was impossible, however, f him to pledge himself that he might n afterwards, if the present measure wa found inadequate, move that the punish ment be made capital.

Mr. *Canning*, though no person viewe the traffic with more horror than he di was still of opinion, that having been s long suffered to exist, the House ought n at once to go the length of punishing with death. To the proposition of th hon. and learned gent. as now stated b him, he gave his hearty assent.

The motion was then put and carrie *nem. con.* and Mr. Brougham, Mr. Wi berforce, and Mr. Whitbread, had leave t prepare and bring in the bill.—Shortl after the bill was brought in and read first time.

IRISH PUBLIC BUSINESS.] Sir *John New port* rose, pursuant to notice, to move resolution, ordering that no Public Bi should pass that House, unless the sam interval should occur between its first an second reading, which took place betwee the first and second reading of every Iris Private Bill. He said that it was but fai that the Irish should have a fair opport nity of knowing the exact state of thei public business in that House. This h conceived to be impracticable under the existing regulations. There was an ac then pending in the House, limiting th number of persons concerned in stage coaches. This would considerably affec private property in tolls, and would in a probability be passed into a law befor any portion of those most interested in it provisions would know any thing of an such measure having been agitated. Afte some further observations, he conclude with moving,—" That, in order to affor to the people of Ireland an adequate op portunity for communicating to parlia ment their representations on the probabl effect of the legislative regulations abou to be enacted, exclusively affecting tha part of the united kingdom, and thereb to lessen the inconvenience to which the are subjected, by the removal to a cons derable distance of the seat of the legi lature, it is just and expedient that such a interval of time should be required elapse between the second reading and th committal of every Public Bill, exclusivel cting Ireland, as is now directed be-een the first and second readings of Irish vate Bills by the standing order of this use of 30th June 1801."

Mr. *Foster* opposed the Resolution, on ground that no inconvenience had sen out of the regulation now existing, l that the one proposed would have the ct of unnecessarily retarding the public siness. He objected also to the amble, the wording of which implied a ect censure on the Union between both ntries—a measure which, although cerely and strenuously opposed by him-f, had yet been cordially supported by right hon. baronet.

Mr. *Hutchinson* thought the objection of right hon. gent. to the preamble her singular: the preamble was disap-ved of because it censured a measure ich had been supported by his right n. friend. Did that preamble state what s not the fact, or rather did it not ak the language of the commercial in-ests in Ireland? Were not those in-ests from day to day, in every session, tructed and injured by the pernicious tem of hurry, precipitance, and inad-tance which marked all their proceed- upon Irish questions? One ground of right hon. gent.'s objection to the pro-sed regulation was, that no inconve-nce resulted from the present mode. s personal experience enabled him to the right hon. gentleman right on that ad. He had known repeated instances, the course of the last and former ses-ns, in which measures involving the in-ests of one of the first commercial cities the empire, the city which he had the nour to represent (Cork), were rapidly ried through that House, though he had de earnest but ineffectual applications time to consult with his constituents on them. He had, then, no doubt that present mode was a bad one. Whether t proposed by his right hon. friend ld completely remedy the evil, he was equally certain; but sure he was, that ne change in the present regulation was periously necessary; and as the reso-ion proposed must, in some degree, ect that change, it should have his cor-l support.

Mr. *Parnell* said, that the right hon. t. who had brought forward this motion, not merit the imputation cast upon n, of having unnecessarily made an at-k on the Union. That Ireland would fer by the loss of her local legislature was an evil that even the friends of the measure allowed. They argued, that though this evil would arise, the advantages that Ireland would derive from the concessions that were promised as the immediate consequences of the measure, would more than compensate it. The right hon. bart. therefore, adopted only the language of the best friends of the Union, and did now act in a manner inconsistent with his former conduct. In respect to the impediment which the right hon. gent. opposite alledges would be thrown in the way of public business by the adoption of the proposed regulation, he has not been fortunate in selecting the instance with which he endeavoured to support his argument. It is not required to make the regulation an act of the legislature, but merely an order of the House to govern its own proceedings. If, then, circumstances should arise, requiring a Bill to pass in the same expeditious manner as that in which it was requisite to pass the Treasury Bills, the House would be able, on a special case of necessity properly made out, to suspend its order for the occasion, and prevent any detriment to the public by making an exception to the general rule. The right hon. gent. had argued, that as most of the Irish business related to taxation, and as no petitions could be received against a tax, the proposed regulation was on this account unnecessary. But though it be true that no petition can be received, still the members representing Ireland ought to be allowed time to communicate with their constituents, and the people had an undoubted right to have the opportunity of making their opinions known. They possessed the privilege of being able to meet together for the purpose of instructing their representatives, and no obstruction ought to exist in the way of their free exercise of this valuable right.

Mr. *Wellesley Pole* said, that until some case was made out of actual inconvenience under the present mode, he should not vote for any change in it.

Mr. *Shaw* of Dublin said, that he could not agree with the right hon. gent. who spoke last, in thinking that no inconvenience had resulted from the present mode. He had had personal experience of many, affecting his constituents in particular, where measures were hurried through the House: amongst others, the Dublin Police Bill had not been treated with that consideration which it called for. Upon this and many other occasions, he himself had in vain applied for time. A striking instance of the hurry and inadvertence which had prevailed in hurrying bills through that House, without due consultation with those who were more immediately to be affected by them, was, that when the magistrates were about to enforce a certain clause in the Wide-street Commissioners bill, they found, for the first time, that that very clause had been repealed by the provisions of the Dublin Coal bill, passed the preceding session. Such was the negligence and haste with which these bills had been hurried through that House. Circumstances of this nature could not but create that dissatisfaction and distrust, which it must be the wish of every honest man to remove. The effects were, however, but too obvious; and the general complaint in all the public meetings in Dublin was, that any thing was attended to in the House of Commons but Irish business.

The *Chancellor of the Exchequer* was surprised to hear the hon. gent. who spoke last select the Dublin Police Bill as an instance of that hurry and neglect of which he had complained. That Bill was brought into the House some time before Easter, and was not passed into a law till some time after Easter. What had appeared so very absurd in the repeal of the clause of the Wide-street Commissioners Bill by the Dublin Coal Bill, would not be thought so extraordinary when it was known that the Wide-street commissioners fund was principally supplied by the product of a duty on coals; here however it was evident that the hon. gent.'s observations could not apply, because that Bill was a private Bill, and therefore its delay could not have been owing to those alledged inconveniences which the resolution of the right hon. bart. meant to remedy.

Mr. *Shaw*, in explanation said, that he meant the Paving Bill.

Mr. *Croker* had the satisfaction of knowing that the Bill alluded to by the last speaker, so far from having been hurried through the House improperly, had been brought in on the 17th of February, and postponed for various reasons to the 14th of April, and even then it had been still further postponed. Neither the Police nor the Paving Bill bore the hon. member out in his statements. When such charges were brought forward, he was anxious that it should be proved there were solid grounds for them, or that they should be flatly contradicted, that it might be known not only here but in the sister kingdom that they had no foundation. He defie the hon. bart. to name one Irish Bill whic had been hurried through the House, if a Irish member had wished it to be deferre If the hon. baronet could not do this, h would not consent that the House shou throw a slur on itself, and, by acceding t such a motion, seem to evince a convictio that such a measure was necessary.

Sir *J. Newport*, in reply, instanced th inconveniences which had been exper enced through a money Bill being hurrie through the House, imposing a tax o advertisements, which Bill was passed be fore the representations and explanatio of the people of Ireland were receive He also mentioned another instance o the tax imposed upon hand bills. H thought it his duty, however friendly h might be to the legislative union of th two countries, to bring those circumstance forward, and to communicate to the Hous the general feelings of the people. No thing could be more injurious to the interest of the empire than to oppose suc a Resolution; nothing more likely t counteract the efforts of the Union.

Mr. *Foster*, in allusion to what had bee said by the hon. baronet respecting th Bill which he had spoken of as havin been passed before the remonstrance o the people of Ireland could be received appealed to the House (having stated th progress of it) if it could be said to hav been hurried through the House. H then replied to the other statements o the hon. baronet, and vindicated the conduct of the House, in the instances t which allusions had been made. He denied that the House had been in the habi of neglecting the business of Ireland: s far from that being the fact, every degree of attention was paid to it which the importance of the subject could require.

Mr. *Hutchinson* would not take individual instances that might be adduced, a proving that general inconvenience wa not experienced.

A division then took place, when the numbers were, for the motion 29—Agains it 74. Majority 45.

RESOLUTION RESPECTING ORDERS OF THE DAY AND NOTICES.] On the order of the day being read, for resuming the adjourned debate upon the motion, made upon Wednesday last, "That in this present session of parliament all Orders o the Day set down in the Order Book fo

ndays, Wednesdays, and Fridays, shall
isposed of before the House will pro-
l upon any Motions of which Notices
l be entered in the Order Book,"

Ir. *Whitbread* believed the right hon.
t. who brought forward the motion
it from the best of motives; but the
ration, if carried, would, he had reason
elieve, be of great detriment to the
rties of the House. He did not see
necessity of it. The press of business
he three last sessions of parliament
d alone give a colour to its necessity;
in each of these sessions important
lic inquiries were carried on. The
sent session was not likely to be at-
led with a similar press of business.
great evil was the shortening the pe-
of the sitting of parliament, which
taken place since the union. It was,
seemed, inconvenient for the Irish
nbers to come over till after Christmas,
it was inconvenient for the English
nbers to sit after Midsummer; so that
ething was cut off from the beginning
something from the end, and the
ion reduced from 26 to 20 weeks. If
motion was carried, it should be fol-
ed up with other measures to make it
plete. All Orders of the Day should
called on in succession; and no new
should pass the House, the debate of
ch began after 10 o'clock. He com-
ned of the want of perception in many
pectable members of the House, of
evils that would follow the motion;
he was afraid, though the order was
y to remain for a session, it would in
ikelihood become an annual vote. He
a adverted to the days—the House had
er sat any time on Saturday since
3, and that day went for nothing;
ile the minister had Monday, Wednes-
, and Friday. He hoped he would
it his days to Wednesday and Friday.

he *Chancellor of the Exchequer* thanked
hon. gent. for his candour. He con-
ved, however, that the imagined dan-
s to the liberties of the House were
rely a phantom of his own creation.
th respect to the business of the House
ng less in this than in former sessions,
was too early yet to determine so.
th respect to the curtailment of the pe-
d of the session, nothing of importance
s really ever done before Christmas.
did not see the necessity of the hon.
nt.'s additional regulations. With re-
ct to the days, he had no objection to
ing Monday and Friday for the Orders
of the Day, and leaving Tuesday, Wednesday, and Thursday, for Notices.

Mr. *C. W. Wynn* enlarged upon the increase of business, and the diminution of the periods of the session of late, and stated that if members did not chuse to attend in summer, Calls of the House ought to be resorted to.

Mr. *Bastard* deprecated the idea of members consulting their own convenience in preference to the public interest.

Mr. *Canning* said, that there were inconveniences in the present practice of the House, and he was afraid of inconveniences from the present order, but, upon the whole, he was inclined to give it a trial for a session.

Mr. *Whitbread* wished to have Monday for the Notices, as from the two days' rest, members came fresh to the House on Monday.

The House then divided on the original question: Ayes 82—Noes 30.

The Resolution, therefore, stands as follows: Resolved, "That, in this present session of Parliament, all Orders of the Day set down in the Order Book for Mondays and Fridays, shall be disposed of before the House will proceed upon any Motions of which Notices shall be entered in the Order Book."

HOUSE OF COMMONS.

Wednesday, March 6.

COMMITTEE OF SUPPLY.] On the motion for going into a Committee of Supply,

Mr. *Creevey* said, he came to exercise his undoubted right as a member of parliament, of saying or moving any thing upon the subject of Grievances, whenever the question of Supply was before the House. On that day of this present session, when a Supply was first mentioned, he had, in the exercise of this same right, complained of the intolerable grievance of passing various bills of the first importance last session, at hours of the night when few members were present, and the subject of them impossible to be discussed or known. Yesterday had produced a new Standing Order from the House, professing to remedy this evil, by giving precedence on certain days to Orders of the Day before Notices, and on other days to Notices before Orders of the Day: but the avowed principle of this new Order was convenience to members, and no advantage to the public: the grievance he had complained of was not redressed by this new Order, and therefore he had voted against it—as many Bills might still be brought on at four o'clock in the morning, after fifty other orders of the day; and therefore, where was the protection of this new Standing Order? Under these circumstances, it became the indispensible duty of members to insist upon their right of making motions without notice, upon subjects when the interests of the country were most deeply involved, and when the right of making such motions was one of the vital principles of the constitution; these subjects were, whenever supply was before the House—whenever that name was mentioned, any member had a right, by immemorial parliamentary law and usage, immediately to originate any motion, complaining of, or inquiring into a grievance. He then quoted, as an authority, a case in the House of Commons, in the beginning of Charles 1, when on a supply being moved, lord Coke stated, amongst other grievances, "new-invented offices with large fees"—"unprofitable offices, which the king might partly take away with law, with love of his people, and his own honour"—"multiplicity of offices in one man"—"voluntary pensions or immunities, which ought to be stopped till the king's debts were paid." And then lord Coke moved for a committee to put down these things. This was the true way, this was the way in which all our sinecure placemen ought to be dealt with; and if they were to be all brought forward one after another, upon these motions of supply, it would do more to get quit of this scandal, so justly odious to the country, and so naturally injurious to the characters of public men, than all the reports on these subjects put together. Taking one of the leading grievances upon this subject, namely, the paying the marquis of Buckingham and lord Camden 50,000*l.* between them, out of the taxes, for doing nothing, he moved "That the House do consider this Grievance this day fortnight."

The *Chancellor of the Exchequer* observed, that he supposed the hon. gent. entertained so strong a sentiment of repugnance to the Resolution of the House last night, as to be determined to lose no time in shewing his hostility to it. He could not conceive what other motive could induce him so immediately to break in upon the established practice of the House, a practice that had prevailed for the last thirty years. He admitted most readily, that it was the right of every member to avail himself of the privilege of making a motion at any time without a previous notice; but it was a privilege which courtesy to the House required should be exercised only in cases where a loss of time was a material consideration. So far was this, however, from being the case at present, that the hon. member's motion only implied his intention of doing something at the expiration of a fortnight. He trusted, therefore, that he would not find many to support him in thus directly contravening the deliberate resolution of the House on the preceding evening.

Mr. *Tierney* said, that the motion should certainly have his support, inasmuch as it was meant to try the right of every individual member. He was the last man to wish that courtesy to the House should be neglected, but the right hon. gent. was not contented with the convenience derived from the observance of this courtesy, but had rather acted on the principle, that because the House granted certain indulgencies, he would extend his claims, and make them matter of right. He was not the first minister who had lost his temper, and indeed it was very hard on him that he should have to spend so many hours in that House. But he apprehended that the experience of last session gave him an additional cause of alarm, and that he was afraid not merely of being kept out of bed, but of being left in a minority—a still greater inconvenience.

Mr. *Wilberforce* thought that the object of the Resolution was only to try an experiment for the purpose of promoting the general accommodation of the House, and of facilitating public business. It was therefore, in his opinion, rather unfair so soon to attempt an infringement of it. The inconvenience which it sought to remedy, had been acknowledged on all sides, and he could not regard it, therefore, as any deep laid scheme of the ministers to prevent those discussions in that House, which were so necessary under a free government. Wishing well as he did to the interests of the country, he feared that they were sometimes in danger of suffering by deferring the consideration of questions in which they were involved to party objects and divisions.

Mr. *Ponsonby* had no doubt of the veracity of the hon. member's frequent declaration of the honesty and purity of his intentions, but he should not have thought it necessary to remind him that the charge

elaying or obstructing public business,
ld not justly be applied to that side of
House. Who had the power of ter-
ating the session? Who the power of
ing Parliament together? The mi-
er did all this, and it was therefore
to impute any accidental inconve-
ice of a want of time for the due con-
ration of important questions to any
vidual members of the House. He
far from desiring to give any captious
osition to the Resolution of last night,
the present motion involved a point,
ie deemed, of the highest importance,
only to the privileges of the House
to the interests of the country.

ir *F. Burdett* thought it was the inten-
of the hon. gent. merely to assert the
ht inherent in a member of Parliament,
naking a motion without notice, and
gined it was not his intention to divide
House.

Mr. *Creevey*, in reply, stated such to be
motive.

The Amendment was then put, and
gatived without a division.

Mr. *Whitbread* gave notice, that in con-
uence of the Resolution which had
n come to, he should on an early day,
mit certain regulations to the House,
ich that Resolution made necessary.
intended to move, That the Orders of
Day should be called over in regular
cession; and also to move, That no
tion of importance should be brought
after ten o'clock.

HOUSE OF COMMONS.

Thursday, March 7.

REPORT ON THE STATE OF COMMERCIAL
EDIT.] The Report from the Select
mmittee on the State of Commercial
edit was presented to the House, and is
follows:

PORT FROM THE SELECT COMMITTEE ON THE STATE OF COMMERCIAL CREDIT.

The SELECT COMMITTEE, appointed to inquire into the State of Commercial Credit; and who were directed to report the same, as it should appear to them, together with their observations thereon, from time to time, to the House;—met, and examined a variety of witnesses; and have agreed upon the following REPORT:

Your Committee directed its attention three points;

First—The extent of the difficulties and embarrassments which are at present experienced by the trading part of the community:

Second—The causes to which the same should be ascribed; and,

Third—The expediency, with a view to the present and future interests of the merchants and manufacturers, and of the public, of any assistance being afforded by parliament.

Your Committee found, that memorials had been presented to his Majesty's treasury, towards the latter end of the last and the beginning of the present year, stating the great embarrassments and distress which were felt amongst the manufacturers in the cotton trade in Glasgow and Paisley, and their vicinity, and praying for public assistance; that the same were confirmed by the representation of a meeting held in the city of London, on the 12th of February, which sent a deputation to wait upon the Chancellor of the Exchequer, with a copy of the resolutions adopted at that meeting. These resolutions your Committee have inserted in the Appendix to this Report.

Your Committee found, by the evidence of the witnesses which they examined, that those statements and representations were founded on fact.

It appeared to your Committee, that the principal part of the distress which was complained of, had arisen out of great and extensive speculations, which commenced upon the opening of the South American markets in the Brazils and elsewhere, to the adventures of British merchants.

Mr. Garden, the chairman of the chamber of commerce and manufacture at Glasgow, said—"That in Glasgow and the neighbourhood the distress began among the manufacturing body of people, and it has pressed more severely upon them hitherto, than on any other class.—That it began about the month of October or beginning of November last: the cause of it appeared to him to be this. That a set of merchants in London, Liverpool, and Glasgow, conceiving that the markets of South America would consume a vast quantity of our manufactures, entered into a project of very extensive exports to those countries and to the West India islands, chiefly intended for the Spanish colonies; these expeditions not meeting a ready market, those exporters have not been able to pay the manufacturers, when the bills became due; these bills were therefore returned upon the manufacturers, which created a great deal of distress.—Many of those houses that were the original causes of the evil, are gone to bankruptcy long ago; but they have created this evil upon the manufacturers of whom they purchased the goods, that the manufacturers have their property locked up in bankrupts estates; that part of it will be lost, no doubt, but yet that in the course of nine, twelve or fifteen months, a considerable part of the capital will return to the manufacturers; but while they are deprived of it, they go on with the greatest difficulty; many of the weaker have been broken down. That the manufacturers of goods who have capitals, still feel great distress from this cause; and it is that class of people that it would be desirable to relieve, because a little aid from government would enable them to go on with their business, though on a limited scale; but still they would be enabled to retain a certain proportion of their work people or labourers; whereas, if they get no kind of relief they must be broken down also, and the labourers with their families must be left without means of subsistence. That this distress still presses very heavily upon them, the export merchants not being able to pay the manufacturers for the goods they have taken. That in the course of trade great quantities of goods from Scotland were sold by agents in London; those agents gave a temporary accommodation to the manufacturer, but nothing more; when the merchants could not pay those bills which they had given for goods, the bills went back upon the manufacturers.

" That there is this chain of connection between the manufacturing body and the upper classes of merchants, the banks in Scotland having discounted or advanced money upon those bills of the merchants for the manufacturers; those bills having gone back, the manufacturers are not able to take them up; the capitals of the banks are therefore taken up also, and they are not able to give the regular accommodation which they had been used to do to their customers.—In this situation of things too, a want of confidence arises in the banks themselves, when they see people breaking down around them, they become timid and afraid of transacting any business; a want of confidence on the part of the banks, naturally creates distress among the upper classes of merchants, who are thus deprived of the usual accommodation or means of negociation, that therefore persons who are possessed of solid property have not the same means of obtaining credit that they usually have had, and very far from it—this want of confidence in the banks makes them distrustful of every body, and the merchants have felt great inconvenience in consequence: The witness said, he understands that some of the banks at Glasgow and in that neighbourhood, do little business, they will rather accumulate their capital and wait the result of the present situation of things; this want of confidence creates general distress among very respectable merchants.

" That the intercourse of credit among the merchants themselves was much broken down by means of these circumstances, even where the merchants are solvent.

" That there is considerable injury to the manufacturer, from being obliged to stop his work; his machinery gets out of order, his workmen get dispersed through the country, and he cannot collect them again, but at considerable trouble and expence; and when it is understood that his business is stopped, he loses his custom, and when he begins again, it is almost the same as beginning a new business; it is therefore extremely important that the manufacturer should go on, though on a limited scale.

" That in his opinion the demand would in a great measure come round to them again; that the home trade and some other markets are still open to them; that he has always seen in his experience of thirty years, that a glut in a market is followed by a brisk demand; for no person will supply the markets or adventure at all when they are overstocked, hence the market becomes exhausted, and of course a very good demand arises afterwards. The markets of South America and the West India islands are overstocked at present, but they will naturally come round, and the home trade always takes off a certain quantity, so that he had no doubt in six or twelve months this increased demand will do more than take off what is on hand now, or what will be manufactured in the mean time, which will be a very limited quantity indeed.

" That if there was no particular glut in the market, from the time of shipping the goods till the payment could be commanded in this country, he should conceive would be twelve or fifteen months;

ay in some instances be sooner, but,
erally speaking, he should conceive
ut that time. In some instances pay-
ts have been much quicker, perhaps
the return of the same ship; and he
tioned that there have even been in-
ces of ships returning within four or
months.

" The usual date of bills given by the
rchant to the manufacturer is six or
e months, but in some cases it may be
ended to twelve months; in cases
ere the goods are sold by an agent in
ndon, that agent interposes his credit,
l gives an accommodation to the manu-
turer sooner, if he requires it, taking
chance of payment from the merchant.

' That the distresses were immediately
l in the first instance occasioned by the
nt of payment for those that were vend-
; but at the same time the want of a
rket is certainly a part of the cause.
e markets of South America having been
a time overstocked, there is no great
nand at present; and even though there
re a demand in the present situation of
ngs, with the want of confidence and
want of credit, it would be difficult for
manufacturers to know to whom to sell
h safety; that is chiefly occasioned by
want of payment for the goods sold:
t will in some measure come round in
course of twelve months, and then the
nufacturer will have his own capital
ain.

' That there has been a very consider-
e supply of this sort of manufactures
t to the peninsula, which was in a great
asure with a view to their being sent
he Spanish colonies; that the same fai-
e of payment happened in some degree,
respect of those goods, as those sent to
th America; that one considerable
use in London connected with this trade,
ich stopped or made a pause within the
t two or three weeks, had sent a great
antity to Cadiz; and they informed the
ness that the last account they had
s, that the goods would all be sold in
s and the next month, by which means
ey should be able to make a handsome
idend to their creditors; but their bills
ving gone back on the manufacturers,
ey are depressed in the mean time.

" That there had been a great fall in
e price of the manufacture; that when
left Glasgow, there were some articles
manufacture which had fallen perhaps
or 50 per cent.; but he understands
m communications since that, the fall is greater, because the distress is become more general.

" With respect to the failures that had happened, there are several houses which will probably pay very large dividends; and indeed there are several of the houses in Glasgow that he alludes to, which stopped payment, have undertaken to pay their creditors in full in a certain time; one who had more than 200,000*l.* of bills out, has undertaken to pay his creditors in 3, 4, 8, 12 and 16 months, and probably he will do it, but in the mean time the manufacturers cannot command a shilling of this money; that the failure of those houses, before he left Glasgow, had amounted from one to two millions; one house (the same to which the witness alluded before) has failed since that time for 519,000*l.* which they have undertaken to pay in full.

" That the failures of the export houses, certainly arose from their having gone greatly beyond their capital, having exported goods to a far greater extent; but he understood many of those houses were not without capital, and some even had large capital, but being disappointed in the markets, it was found that they could not make their returns so quickly as their bills became due; there are houses of that description in Liverpool, and some in Glasgow."

Being asked, as to the amount of failures on the present occasion, as compared with those in 1793, he said, ' The proportion of failures will be always something in proportion to the extent of the trade, (which has increased wonderfully since 1793) and of course the failures now are to a much larger amount than they were at that period.'

Your Committee having given this full extract from the evidence of Mr. Garden, have to state, that it was in general confirmed by the evidence of Messrs. I. and R. Mackerrell, and Mr. Henry Fulton, muslin manufacturers at Paisley; and that evidence in a great degree to a similar import was given to the Committee by sir Robert Peel. With regard to the state of the manufacturers in Lancashire, he stated, that the price of goods had fallen 40, 50, and in some instances 60 per cent.—that the greatest manufacturers had been obliged to reduce the quantity of their work by one-third, others one-half, and others again had been obliged to discharge their workmen altogether; and that even those which were continued in employment, were continued at a very reduced rate of wages, amounting to not more than one-half of their ordinary payment—that under these circumstances, great distress was felt amongst the workmen; and though there had not been any failures among the more considerable and best established houses of manufacture in Lancashire, yet that great distress and embarrassment must already be felt by many, and that some parliamentary assistance would be of most essential advantage.

Your Committee think it right to refer to the returns of the export of the cotton manufactures in the following years, to shew the state and progress of the trade in this article of manufacture, up to the period when this distress began to be strongly felt. The official value of cotton manufactures exported from Great Britain, in the year ending 5 Jan. 1808, was £.9,846,889.

In the year ending 5 Jan. 1809	12,835,803.
In the year ending 5 Jan. 1810	18,616,723.
And in the three quarters ending 10 October 1810 -	- 13,761,136.

It appeared to your Committee, that there had been no want of a disposition on the part of the banks in Scotland to give their accommodation; that they had liberally applied it as far as was possible; but that it was impossible they could continue their aid, as they had their capital already locked up in an immense number of bills, the payment of which was suspended.

Your Committee also found, that great distress was felt in a quarter which was much connected with this trade, namely, amongst the importers of produce from the foreign West India Islands, and from South America.

That great parts of the returns for the manufactures which were exported to those parts of the world, came home in sugars and coffee; which not being entitled to sale in the home market, there were no immediate means of realizing their value.

These representations of the distress experienced in the trade of the cotton manufacturer and exporter, and from the want of market for foreign colonial produce, were also confirmed by respectable merchants and traders in London; who also stated, that the embarrassments were felt in other branches of trade, not connected with foreign commerce or colonial produce.

It also appeared to your Committee, that one cause which might be considered connected with and as at present aggr vating the existing distress, was the e tent to which the system of warehousi the goods of foreigners, as well as nati merchants, for exportation, had been ca ried. On this point, the Committee ref to the evidence of Mr. Cock, commerci and public agent for the corporation Liverpool, and general agent to the me chants of the town; who informed t Committee, that,

"Since the opening of the West Ind and London Docks, Great Britain ha under the provisions of the warehousin acts, become a free port, into which f reign goods of almost every descriptio may be brought and safely deposited, a from whence they may be exported agai without payment of importation duties.— This country possessing peculiar advan tages for foreign commerce, the conse quence of such facility to introduce good from all parts of the world has been, th the merchants of other countries, whethe neutrals, enemies or allies, have been eage to avail themselves of every opportunit of sending their goods hither. Fro Spain (for instance) such goods as hav not been imported on British account, th Spanish merchants have been anxious t send here for safety and for sale—th same remark applies to Portugal; in fact we are now the exporters of Portuga wines to that country. While importation from Europe, not the result of a deman for them, have thus been occasioned, th markets of South America, both Portu guese and Spanish, have been throw open to us, and the greater part of the immense productions of those places (from which formerly we received but little property direct, except bullion) now comes to fill the warehouses, and for a time to exhaust the capitals of the merchants o this country. Our conquests also have had the same tendency; in addition to the produce of the old British colonies, we now receive that of Martinique, Guadaloupe, St. Cruz, St. Thomas's, &c.; the greatest part of the produce of Saint Domingo also now comes here. From Europe, the importations from places from which the British flag is excluded, have been immense—these causes co-operating at a period when the situation of the Unite States has prevented their ships from introducing into Europe that large proportion of West Indian and South America productions, of which they would hav en the carriers, the effects have been ore sensibly felt by our merchants."

Your Committee, upon the whole, think mselves justified in stating, that the emrrassments and distresses at present exrienced, are of an extensive nature; and ough they are most severely felt amongst e manufacturers and merchants in those des which have been more particularly ecified, yet that they are also felt in a nsiderable degree in some other branches trade; but they have the satisfaction stating, that from the evidence of a ry extensive and experienced merchant, does not appear that they are felt in e woollen trade, to such an extent as ould at all justify a call upon parliament any extraordinary relief.

That your Committee are warranted in ating, that there appeared a general conrrence of opinion amongst those of the tnesses who were examined, as to the pediency of affording parliamentary ref in the manner in which it was afrded by the issue of exchequer bills in e year 1793, although there was some fference as to the extent of benefit which ght be expected to be derived from ch relief. And your Committee state it be their decided opinion, that although ere are many circumstances at the prent time affecting the state of trade and mmercial credit, which make a great fference between the present period and at of the year 1793, yet the distress is such a nature and extent, as to make ch parliamentary relief highly expeent and necessary; and that it proises to be productive of extensive and portant benefit, that although in many ses such aid may not be capable of efctually relieving the persons to whom it ay be applied, from great losses arising om the state of circumstances, yet by fording them time gradually to contract eir operations, to call in their means, to ithhold from immediate sale, articles hich at present can fetch only most ruinus prices, and to keep up the employment their machinery and their workmen, ough upon a very reduced and limited ale; it will divide and spread the presre of this distress over a larger space of me, and enable them to meet it with nsequences less ruinous to themselves, d less destructive to the interests of the mmunity.

That your Committee referred to the anner in which relief was afforded in the ear 1793, and have found that the provisions of that measure which, as appears by the report of the commissioners appointed on that occasion, was attended with the happiest effects, and the most complete success, are embodied in the act 33 Geo. 3. cap. 29; and the Committee are of opinion, that similar provisions should be adopted with regard to the relief at present proposed; that the amount of exchequer bills to be issued should not be less, nor would the Committee recommend that it should be more, than 6,000,000*l.* and that, considering the probable date of the returns of trade from South America, a greater interval should be given for repayment than was allowed in 1793, the committee being of opinion, that the time for payment of the first quarter's instalment, should not be earlier than the middle of January next, and that the remainder of the sum advanced should be required to be repaid by three equal payments, from three months to three months, so that the whole should be discharged in nine months from the payment of such first instalment.

7th March, 1811.

APPENDIX.

London, 12th February, 1811

At a Meeting of Merchants and others' convened for the purpose of taking into consideration the Difficulties and Distress, to which the Mercantile and Manufacturing Bodies of this Country are exposed; and the best Remedy that, under the Circumstances, can be applied;

Present,

Sir J. Shaw, bart.
Jas. Maryat, esq.
John Tunno,
Jer. Harman,
Thomson Bonar,

J. J. Angerstein, esq.
J. Staniforth,
J. Inglis,
Tho. Reid,
Wm. Porter,

And the Deputies from Glasgow and Paisley:

Resolved, That this meeting is strongly impressed with a sense of the very great difficulties and distress to which the mercantile and manufacturing bodies of every part of this kingdom are subjected, and which threaten the most destructive consequences to the merchant, and to every class of manufacturers and others dependent on them.

That this distress, which in the origin was considered to be attributable to the imprudently extensive speculations of some individuals, to those new markets in South America, which had recently been opened, has, in the opinion of this meeting, been in a certain degree occasioned by circumstances of a different nature, and far more extensive influence; and such as, this meeting trust, will, upon inquiry, be found to justify an expectation of relief from the assistance of parliament, under the sanction of the lords commissioners of his majesty's treasury.

That the system of warehousing goods for re-exportation (without payment of duty) having been brought into complete operation by the construction of the West-India and London dock warehouses, and of similar receptacles for merchandize in the principal out-ports, the events which have occurred during the last two years have tended to make Great Britain the emporium of the trade not only of the peninsula, but also of the Brazils, of the Spanish settlements in South America, St. Domingo, the conquered colonies of Guadaloupe, Martinique, &c. but even of countries under the direct influence of the enemy, whose traders have been anxious to avail themselves of the protection of British laws and of the honour of British merchants. And thus it has, from these simultaneous and co-operating causes, happened, that in a short space of time, goods have been brought to this country, in amount beyond all precedent, and all calculation. That the power, wealth, and high character of the nation, have in fact contributed to produce a most alarming evil. And the measures of the enemy having been especially directed to the preventing the exportation of the immense quantities of merchandize of all descriptions thus accumulated, the consequences are, that the goods are become a burthen, and the advances to the owners on account, and the payment of freight and insurance, have become grievous, in such a degree as to threaten the most solid and respectable houses with all the evils of insolvency.

That it has been the effect of this combination of circumstances, to produce a general distrust and want of confidence, whereby the evil has been incalculably aggravated, and is daily extending; so that, unless some immediate and effectual remedy be provided, the consequences will, in the opinion of this meeting, certainly prove of a fatal description to the trade and manufactures of this city, and the kingdom at large, and every interest dependant upon them.

That this meeting therefore consider it as incumbent on them, to submit these deeply interesting matters to the consideration of the lords commissioners of his Majesty's treasury; humbly soliciting that relief may be afforded by a loan of exchequer bills, as was done in a similar case of commercial difficulty (but of a much less alarming extent) in the year 1793, for such period, and with such regulations, as under all the circumstances herein set forth, shall appear to be just and expedient.

That Messrs. Tho. Reid,
J. J. Angerstein,
John Tunno,
John Inglis,
and the Deputies from Glasgow and Paisley, be requested to wait on the Chancellor of the Exchequer, with a copy of these Resolutions.

The above Report was ordered to be taken into consideration on Monday next.

[Appeals in the House of Lords—and Suitors in Chancery.] Mr. *M. A. Taylor* rose to bring forward his motion respecting the cases of Suitors in the other House of Parliament, and in the Court of Chancery. The hon. gent. regretted that he should be compelled to resort to the painful necessity of calling the most serious attention of the House to the situation of appellants in the highest court of judicature in the kingdom, and to the cases of suitors in the high court of Chancery. He had thought that after the assurance which he received during the last session from the right hon. the Chancellor of the Exchequer, that something would be done to redress the grievances of which suitors complained, that he should have been spared the trouble of intruding himself again on the notice of the House. As yet, however, notwithstanding the promise given, nothing had been done—at least no active measure had been taken. It was true that a motion had been made in the House of Lords, and a committee appointed to inquire into these cases. [Here the Speaker interrupted the hon. gent. by reminding him that he was not strictly in order in making references to the proceedings in the other House of Parliament.] Mr. M. A. Taylor proceeded, and admitted that he was not in order, observing, however, that in alluding to those proceedings, he spoke of the House of Lords as an appellant jurisdiction. In the House of Lords then a motion had been made—

he Speaker again, to order, requested
: hon. gent. would abstain from making
usions to those proceedings, because this
use had no distinct knowledge of them.]

. M. A. Taylor then declared, that
ugh a committee for investigating the
te of Appeals had, in another place,
en appointed, yet he should not be de-
red from offering to the House his opi-
ns as to the line of duty which ought
be pursued. When it was made known
the House that great abuses did exist,
t from the conduct of the judges, for
at he was happy to say was far above
spicion, but from the delay of justice
casioned by the vast number of suitors
nich came before the court, it surely
uld not be denied, that in appealing to
e justice of this House to render to the
bjects of the realm what they had the
ht of claiming, he did no more than an
t of duty. What he desired the House
s, to appoint a committee to inquire
to the state of Appeals, by searching the
rds' Journals; meaning to follow that
otion up by another which might be
tended with advantageous effects to the
itors. He trusted it would not be im-
ted to him that he came forward arro-
ntly with idle plans of innovation. All
desired for the subject was justice, as
v lord Coke very constitutionally had
id—"Let the suitors in court be heard
lly without denial, and have justice
eedily without delay." That was what
now asked. To shew that some altera-
on in the mode of administering justice
the courts of equity was now requisite,
need only state the information which
had received. This information, which
ight not be strictly correct, but which,
owever, would be gathered from the Re-
ister's Book in the court of Chancery,
ated that suits had been so long before
at court, that many persons interested
erein had died before the termination of
em: more than half of the property,
e object of litigation, was consumed in
arrying on the suit, and the survivors
aving no right to the property when the
ase was at length heard. When, there-
re, such grievances were proved to exist,
became the duty of the legislature to
pply the remedy, and he called upon the
ouse now so to do. The public contri-
uted enough for doing what actually was
ot done. The exorbitant sums paid for
es on trials, evidently shewed that at
ast the public were entitled to have jus-
ce. It might be said, that the second lord at the head of the court employed the whole of his time in giving his attention to the cases before him. Why, so he did, but was it possible for any man, however eminent his abilities or sedulous his attention—however anxious to dispose of the business of his court, when it had increased so much, could he do what a judge had done 50 years before, when the number of the cases was nothing in comparison with the present time? In former times, in cases of bankruptcy only, namely, in 1731, just before lord Talbot was made lord chancellor, the commissions sued out in that year amounted to 160; they, notwithstanding the prosperity of the country (about which so much had been vaunted by gentlemen opposite), in 1809 amounted to 1,100; and in the present year, as he was informed, to upwards of 2,400! Besides this accumulation, there were those of wills, settlements, and a variety of other cases, which came under the cognizance of the court, to an amount four or five times greater than in lord Hardwicke's time. Was it possible, then, for one judge to get through such an immensity of business? With every respect for lord Eldon, whom he had known for many years, it was in his opinion impossible, however desirous he might be of doing his duty to the public, to get through it. In moving for the committee, he assured the House he meant nothing invidious to the noble lord. He asked merely for justice for the public. How were they to get redress? In former times, in strict conformity with the letter of the constitution, our ancestors had wisely provided for that redress by appointing what was termed "a committee of courts of justice." It was established in order that the subject might have recourse to it for redress. But even this committee was a thing unknown to the legislature now. The oldest officers of the House had not the least recollection of the sitting of such a committee, therefore that mode of obtaining redress was now entirely done away. In cases of appeal, in the highest court in the kingdom, tardy was the progress of justice there, for the reasons before stated. He was informed that at this time there were 300 appeals waiting for hearing in the order and course in which they were set down. The number of causes heard in one year were not more than thirteen; of course, unless some provision was made by the legislature for the disposing of them, 20 years would not be sufficient time for hearing

them. Did not this circumstance call for a remedy for the evil? It might be said, what hopes could he entertain of obtaining redress for the subject, when men of splendid talents and great abilities could not avert the evil complained of? To this he would reply, that his duty told him something must be done; and when he recollected the promise made to him in May, since which a period of eight months had passed, and things remained in the same state, he could not but feel that it was necessary this House should at least appoint a committee of inquiry. The great fatigue which the Lord Chancellor had undergone, both in the House of Lords and the court of Chancery, was such, that only one cause had been heard, and that was not decided. With the assistance of the Master of the Rolls, the list of causes was so great, that more than one hundred were in arrear. Some of the cases which had been decided, from the very long time they were in court, involved much of hardship and distress to the parties concerned. He would instance one—the case of Miles, in which a widow claimed under a testamentary bequest of her husband, and the question which arose out of that bequest was, whether it did not bar her dowry. In the agitation of that question, a period of from 12 to 14 years had elapsed, in the course of which the widow was reduced to the utmost distress, and the decision was not yet known. Another case was that of children claiming under a will, and entitled to a marriage settlement. Another, was that of suitors claiming a beneficial interest in leases. It had happened that before the decision of the suit the leases had expired, consequently the party interested was deprived of his right. In other cases of tenantry for life, the tenant had died before the decision of the court. These were some of the cases of hardship. Would it, then, be too much to ask for redress? In addition to these grievances, he would state, from the list of cases in arrears (which he had gathered from two books, published by a Mr. Beckwith and a Mr. Grant), two cases of appeal, the one, that of an English writ of error; the other, that of a Scotch writ of error. In the latter case, though the lords of session had made a decree in favour of the party, in 1805, yet he was served with a writ of error, and the business came before the House of Lords, and remained as yet undecided. The respondent, an ensign in the army, was in consequence, by being kept out of his right, reduced to great distress, and but for the kindness of some friends, who knew his claim to be founded in justice, and procured for him an ensigncy, he must have been literally starving. The other case was that of two ladies of the names of Bacon and Wren, entitled to property, but of which a person named Clayton claimed three-fourths. This case was heard in a court of law in 1801, and they got a verdict in their favour. Clayton, however, put in his writ of error, and brought the subject before the House of Lords. There it had continued ever since. The unfortunate ladies were at a very advanced period of life, and by this conduct of Clayton debarred the enjoyment of their right not only for the present, but perhaps eventually. The House, he was sure, would do something to remedy the evil, something to expedite the business, because if they did not, they would by their refusal be doing what my lord Coke reprobated, "denying of justice."—The hon. gent. did not mean to impute to any one person in the courts of equity any dereliction of duty; on the contrary, from the highest to the lowest they most conscientiously discharged their duty. The Lord Chancellor, with the most scrupulous attention to the interests of the public, selected the most respectable men to fill the offices. But though the head of that court were the most upright and conscientious judge that ever sat there, yet it was possible that solicitors might not be the most active. It was therefore the duty of the legislature to supply the deficiency, and appoint one or two more judges to dispose of the business. He trusted that it could not be said, that in moving for a committee he was running a race with the House of Lords. No such thing. All he wished was, that the House would, by the appointment of a committee, ascertain what number of appeals were really before the Lords, which they might learn by inspecting the Journals of that House—that being done, he would next desire that the committee should ascertain what number of causes had been disposed of in the court of Chancery in the last five years. This was the object which he had in view, and it was not an answer to him to say that it had been made in another place fourteen days ago. He did assure the House, that he never had a Chancery suit, nor would he have one. He would rather put up with the loss of 2 or 3,000*l.* than run the risk of a decision.—The hon.

ent. then moved, "That a Committee be ppointed to inspect the Journals of the louse of Lords, to ascertain the number f Appeals now before that House, and to eport the same to this House." The next otion which the hon. gent. had to make, e observed, was to ascertain the number f motions and questions decided and eard in the court of Chancery during the ast five years, and the arrears of business n that court. On the question being put,

The *Chancellor of the Exchequer* said, he vas disposed to give the hon. gentleman he fullest credit for the principle on vhich he had acted, in bringing the subect under the consideration of the House; ut he did not see that even if the motion vere acceded to, the object which he had n view would be obtained, and therefore e did not conceive there was any ground or entertaining it. At the same time, vhile he admitted that the hon. gentleman ad used great candour in his speech, he ould not deny that great grievances did xist; that there was a deficiency in the ower of administering justice in various oints, and, consequently, that it became he duty of the legislature to see that deiciency supplied. But when he stated hus much, he must also observe, that this ncrease in the business of the courts arose principally from the opulence of the country. The House would keep in mind the particular points of jurisdiction to which the hon. gentleman had directed their attention in the first instance, namely, the number of appeals undecided in the other House. That being the first of the grievances complained of, the subject had been taken up by that House, and more correctly so than by this House. It would therefore, in his opinion, be advisable at least to wait and see what course that House would pursue on the subject. With respect to arrears of cases in the court of Chancery, when it was recollected, that in the House of Lords the noble lord who presided, also sat in the court of Chancery, the best course to pursue would be to ascertain, in the first instance, in what way the cases of appellants might be accelerated, so as to administer strict justice; and then to ascertain whether greater facilities might not be afforded, in order to expedite the business in the other court. When the hon. gentleman talked of providing some remedy for the grievances, he conceived that without abandoning that duty which most certainly belonged to this House in point of redressing the grievances of the subject, it would not be too much to say, that that justice would not be delayed in the quarter where at present it was under consideration. It was of no use, under these circumstances, for the House to adopt the motion of the hon. gent. and he was sure that no person would be more ready to admit than the hon. gent. that the subject was one which involved much of intricacy, and required great consideration. The public, feeling that the fact was so, would not be inclined to find fault with parliament for taking time, before they instituted any measure for the purpose of remedying the evil complained of. The measure to remedy the evil must be of a legislative nature, and originate of course in parliament. Whatever was done in this respect, whether as to the erection of new courts of judicature, or in any other shape, must have the sanction of the legislature. The hon. gentleman would not accuse him of great delay, when a Committee had already been appointed, who were about to make that inquiry which he wished. Delay of justice was a cause of complaint, but from the very nature of many of the cases, the necessity for that delay was apparent, and whatever number of judges might be appointed they could not remedy the grievance. There was great delay in cases of equity, in getting the parties before the court, on the merits or demerits of the case, and various other causes, before the judge could make up his mind to decide. The question was certainly of the greatest importance, but he was convinced it would be most advisable to wait to see what the Lords' Committee would do.

Mr. *Adam* wished to state his opinion upon the question, an opinion which he had formed four years ago when the bill was before parliament respecting the Scotch Courts. He did not agree either with the right hon. gentleman, or his hon. friend. The grievance of delay was very manifest; the delay in cases of appeal which came from Scotland, was more seriously felt than in this kingdom. With respect to the cases in the court of Chancery, he agreed with his hon. friend, that the noble lord evinced great anxiety to do justice to all parties, in administering the duties of that court; but it was certainly true that dilatoriness had arisen to a great height, and this without imputing blame to any one officer of the court. It was not so in the common courts of judicature;

there more of dispatch took place in less time, and it was so from the very nature of the courts. In regard to cases of appeal, much remained yet to be done before even justice could be administered. Not agreeing, however, with the right hon. gentleman, and wishing that this House should not appear to abandon the duty cast upon it, and having a concurrent duty to perform with the other House, he should conceive that the best way to decide would be by adjourning the debate for three weeks, that in the event of the decision of the other Committee not being satisfactory, the business might be resumed in this House. The hon. and learned gent. moved, "That the debate be adjourned for three weeks."

Mr. *Simeon* vindicated the Lord Chancellor from what he thought a stigma cast upon him by the hon. gentleman, by the observations he had made. The public would be deluded if they were allowed to think that blame was imputable to the Lord Chancellor. From the statement of the hon. gentleman, it would appear as if the noble lord did not devote much time to the suitors of his court, but rather attended to politics. There was a vast variety of judicial business which the public knew nothing of, such as demurrers, bills of exceptions, &c. which the noble lord was obliged to attend to. When the hon. gentleman talked of only one cause being heard, he was not correct; and he certainly had not done the noble lord justice in quoting from a publication in which the author had mis-stated and misrepresented the cases, and had charged the court of Chancery with making use of the money of suitors in building a register office, and some other buildings for the convenience of the officers of the court. With respect to the motion, he should vote against it, because the matter was taken up in another place.

Sir *Samuel Romilly* declared, that if the question of adjournment should not be carried, he should vote for the motion of his hon. friend: and he was desirous of stating his reasons for giving the vote which he should give on this occasion. The motion would not convey, either directly or indirectly, any mark of censure upon the noble and learned lord, as the hon. and learned gentleman opposite had just supposed; and he did assure the House, that nothing could give him greater concern than to be thought to give his consent to any motion which could in any way be construed into a desire to reflect upon the conduct of that noble and learned lord. No man had experienced more uniform acts of kindness than himself from the noble and learned lord. Indeed, his general attention to the bar, his conciliatory demeanor, and his strict love of justice, had endeared him to all the gentlemen who practised in that court. A man more eminently qualified, in point of talents and learning, for all parts of his profession, he knew not; and he most firmly believed that he never had his equal, in point of anxiety, to do justice to the suitors of the court. If he had any defect, it was an over anxiety in that respect. That being his opinion, it could not be imputed to him, (sir Samuel) that he wished in any thing he might say, to reflect on the character or conduct of the noble and learned lord; but when it was notorious that great and crying grievances really existed, would it not be as his hon. friend had justly said, "a denial of justice," not to inquire into them? The fact was, that from the great pressure of business within the last two years, causes had stood for that time in the Lord Chancellor's paper for hearing, without having yet been heard. Was not this period of delay a sufficient ground for inquiry? In the House of Lords the delay was of a much greater length. In one cause, which was that of a copy right, which had been before the House some years from the court of session, at the time the decision was known, the interest had ceased, for the period of the right (fourteen years) had expired. Another man who was about to present a petition was pining in gaol. With respect to the question, the first thing to be done was to ascertain the cause of the evil complained of: that being done, then to provide a remedy either of a permanent or of a temporary nature. Whether that could be done but by making an addition to the judicial officers, or in whatever other manner, was the subject for after discussion. He much doubted whether the increase of causes since the time of my lord Hardwicke, was greater or not. The case of bankruptcies was certainly a great evil. The number of commissions sealed in the last year was as many as in the preceding year. A commission in that respect might assist the Chancellor, and by affording a temporary remedy, get rid of the press of business of that nature. The right hon. gent. had stated that inquiry was going on, but he had not stated whether any plan was ma-red, or whether it was in the contemplation of any one to bring forward a plan. At the same time he admitted to the right hon. gent., that it was a question which involved great difficulties. If nothing was projected but a committee, nothing then had been done for upwards of ten months, though much had been promised. It was the duty of this House to make the inquiry and not to wait for any result of proceedings in another place. This House was the proper channel for investigating public grievances, and they must not be stopped because a committee in another place were thinking about them.

The *Chancellor of the Exchequer* said, that he thought the most expedient course was, as the delay complained of consisted chiefly in the appellant jurisdiction of the House of Lords, that the remedy should originate with them.

The *Attorney General* stated, with regard to the proceedings in the courts of law, that there was not the slightest occasion for any alteration there. The business of each term was concluded in the term, and that of every sitting was concluded before the commencement of the next term.

Mr. *Taylor* agreed in the amendment of his hon. friend, but complained that the arguments of another hon. friend of his were rather directed against a book which he did not write, than against any thing he had said. He quoted some additional cases of delay, and disclaimed any intention to cast the slightest reflection upon his noble friend who was placed at the head of the court of Chancery.

The *Chancellor of the Exchequer* said, it was his intention, if the motion of adjournment were negatived, to move the previous question.

The House then divided, when there appeared—

For the Motion........................47
Against it...........................87
Majority against the Amendment—40

The previous question was then carried without a division.

CATHOLICS OF IRELAND.] Mr. *Ponsonby* rose and spoke as follows: Mr. Speaker, in rising to address the House, pursuant to notice, it affords me the highest satisfaction to see in his place that right hon. member (Mr. W. Pole) whose Circular Letter lying by the order of this House on its table, is the cause of the motion with which I shall have the honour to conclude. Whether that motion shall succeed or not, it will at least produce the beneficial effect of giving the right hon. member the opportunity of declaring the motives which actuated the Irish government to have recourse to the measures recommended in his Circular Letter. That letter is a most important document: it is a mandate to the entire magistracy of Ireland, desiring them, under certain suppositions, to arrest three-fourths of the population of Ireland. What the circumstances were which called for this unexpected measure, and at the particular moment produced that decision of the Irish government, which led to the promulgation of this letter, must be information most important to the state of the empire. Those circumstances are yet new to us; there is nothing in the letter calculated to inform us of the necessity of its circulation. It was notorious that the Catholic Committee had been sitting for months, nay for years, under the very eye of the Irish government—that it had declared its intention of adding to its numbers twenty-four days before this Circular Letter was issued. I hold in my hand a newspaper of the 22d of January, which gives a statement of the proceedings of the Catholic Committee, and I am anxious to read that statement, as it is my wish to make no observation, or to put no questions which are not founded on vouchers incapable of contradiction. The debate, of which this paper gives a statement, took place on the 19th of January, and it appears from it, that Mr. Hay, the Catholic secretary, read a number of letters which he had received from many of the counties in Ireland, in which the names of the managers returned by those counties were inserted. There is a particular remark made on the return of lord Castleross for the county of Kerry, because such an occurrence went to illustrate the unanimity prevailing amongst the Catholic body. This proceeding was circulated as publicly in Dublin, as any advertisement published in any of the London newspapers, twenty-four days before the issue of this Circular Letter. When it was published it appeared to entail silence upon those who, whatever were their privations, still fancied they possessed the privileges of complaint. It is usual almost in all countries to allow that right to the unfortunate. It is not usual in this country to deny to the subject the privilege of approaching with his petition, either branch of the legislature. In this document the Catholic Committee is designated as an illegal meeting: that meeting had, in the view of the Irish government, continued its sitting. Of the statements given in this Dublin newspaper, either the lord lieutenant, or his subordinate ministers, could not be ignorant. I am therefore most anxious to know, why such committee was suffered to proceed unquestioned—why this very measure of adding to their numbers so openly avowed, but which has since in this House, been made the justification of this circular letter, were allowed to go on, from the 1st of January, to the 12th of February following? The administration did not, perhaps, think itself permanent; there was at the time a notion of a change; but surely if such fatal consequences as were attributed, were likely to arise from the proceedings of that committee, no administration could be actuated by such unmanly and selfish views as from such a consideration to avoid the necessary means of averting the evil, and thereby transmit the mischief as a legacy to their successors. It was not, however, till the 12th of February, immediately after his royal highness the Prince Regent was placed at the head of the executive government, under fetters and limitations, that this letter was issued. What made it incumbent that such a measure should take place the moment the right hon. member touched the Irish shores, this night we have the opportunity of hearing explained. It could not surely proceed from any sinister design to involve the government of the Prince Regent in the odium and unpopularity which might be calculated to proceed from such a measure. The House must be desirous to ascertain what the circumstances were which justified the lord lieutenant in not having had recourse to it before; and what was the nature of the proceedings which justified the right hon. member in issuing it, immediately on his arrival. This law had never before been put in force in Ireland; and when it was actually necessary to act upon it, against the alleged proceedings of such a portion of its population, one should have supposed that the administration would have had recourse to the wisest, most judicious, and most efficient method of carrying it into operation. The power of carrying acts of parliament into effect in this country is in the crown—in Ireland it is vested in the lord lieutenant, with the advice of the council.

If, then, it was found necessary to act upon this law, which had never before been acted upon, I am much surprised that a proclamation to that effect had not been previously issued by the lord lieutenant and privy council. That would have been a fair, liberal, and parental course. There would in such case be a great authority weighing on the minds of the people. It would have had the sanction of the great law authorities in the state. Indeed, not to have applied to the privy council previous to the measure, shewed a want of common prudence, I had almost said, common justice. This course not having been pursued, I wish to know whether the law officers in Ireland were consulted? Whether the letter now on this table was laid before, and had the sanction of, the Irish Attorney and Solicitor General? Because even if the necessity for putting this law in force was so urgent, so binding and imperative, as not to allow the delay of submitting it to the privy council, it at least, without any danger to the public safety, could be laid before these law authorities, with whom the lord lieutenant is in the habit of consulting on the execution of the laws. The right hon. member, in the circular letter, warns the sheriffs of counties, that it had been reported to the Irish government that delegates were to be elected to an illegal meeting, calling itself the Catholic Committee. Upon what grounds is it that he has designated that body an unlawful assembly? Is it unlawful in its own nature? If it be so, why has he suffered it to exist so long in the very seat of government? Thinking it unlawful, did he, however, conceive it more judicious to connive at it? And if, though unlawful, he did connive at it, it is most important to the peace of the empire, and to the tranquillity of Ireland, that we should know the circumstances which induced him all of a sudden to depart from his previous system, and to arrest this assembly in the exercise of its functions.

This letter of the right hon. secretary applies to the past, as well as to the future conduct of the Catholics of Ireland. Why was it not thought proper to notice that past conduct before? The Catholic Committee have done no act since the 19th of January, no act before the 12th of February; and all their proceedings before that time were acts of such public notoriety, that it is impossible they could have escaped the notice of the duke of Richmond, who must be acquainted with the most ordinary transactions of the country. Yet all these acts were allowed, and unnoced by the Irish government, till the 12th f February, when the sheriffs of the dif- rent counties were directed to inform the agistrates within their bounds to arrest l those who should have voted for any elegation to the Catholic Committee. Why were the Catholics not previously arned of this proceeding? Why was he affair allowed to go peaceably on, till arrived at such maturity, and why is it ow all of a sudden looked upon with such degree of abhorrence? The magistrates are ordered to arrest all such persons s may have been concerned in voting uch delegates, and commit them at once n bail. This is a proceeding rather extraordinary, certainly for a first act, that he first notice which magistrates should eceive, was to advert directly not to the uture but to the past; that the government knew the existence of the Catholic Committee, was aware of the proceedings of the Catholic Committee, and yet never warned them to abstain from assembling. Was this lenity in the Irish government? Was it moderation? Was it a regard to the peace and security, and welfare of so great a portion of the inhabitants of this empire? Why were they not first warned and cautioned before this extraordinary step, and told, you are doing what you are not permitted to do? we warn you therefore to desist; do not persist in a conduct which is prohibited by the laws, and by which you may incur the guilt of their violation. But nothing like this was done. From the 1st of January to the 12th of February no step was taken with any such view. The right hon. gent. opposite (the Chancellor of the Exchequer) stated, on a former occasion, that the only circumstance mentioned in the dispatches of the Irish government, as the occasion of the measure, was the letter of the secretary to the Catholic Committee; and that he had a confidence, when the conduct of that government should come to be examined, it would be found to be correct. It is therefore with the greatest pleasure that I see the right hon. secretary in his place this night, that he may justify the confidence reposed in him by his right hon. friend. This letter contains instructions to arrest the persons therein described, and only to liberate them on bail. Let us look at the powers vested in them by the act of the 33d of the King. In a section of that act it is enacted, That if any delegates of any description assemble in any meeting, or if any person vote at any such meeting, or by any means vote, such representatives or delegates, on their being convicted, shall be liable to be punished for a misdemeanor. The act says, 'after conviction.' But here, in the first instance, before any notice, warning, or report was made to the Catholics on the subject, the magistrates were ordered to commit all persons who had offended against the provisions of this act. Now, Sir, it is remarkable that the offence in this section, of assisting at an election, or attending and voting, is, on the conviction of the person, to be punished; but this act is in itself no breach of the peace, nor does it necessarily lead to any breach of the peace, but is merely an inchoate offence, unless the delegation actually takes place. Here, however, in the first instance, on account of the mere circumstance of voting, the magistrates are ordered to commit, unless bail is given. I believe the general rule in law has always been, that a justice of the peace, unless he is particularly empowered by statute, cannot, in the first instance, hold a party to bail, when no offence against the peace has been committed. For treason, felony, breach of the peace, and for other offences of a similar nature, he has a right to arrest; but he has no such right in cases which are offences by possibility merely, unless empowered by statute. The statute that creates the offence does not, by such creation of the offence, give a right to arrest. Why in our law is truth a justification for a libel, but no justification for indictment, because it has a tendency to a breach of the peace; but till the indictment no man can be held to bail. So in many other crimes there are in like manner no powers to commit; in the case of conspiracy, for instance, and of that most dangerous crime to human society, the crime of perjury, no bail can be exacted till an indictment takes place. For such crimes have merely a tendency in their operation to a breach of the peace, but are not such a breach in themselves, and consequently a justice of the peace has no power to commit. But whatever may be said as to these, sure I am, that as to the offence of the persons mentioned in the right hon. gent.'s letter, the magistrates can have no more power to hold to bail than for the most innocent actions of their lives. Do but hear the instructions which are issued—"you are required to cause to be arrested, and to commit to prison (unless bail shall be given), all persons within your jurisdiction, who shall be guilty of giving, or having given, or of publishing, or having published, or of causing or having caused to be given or published, any written or other notice of the election and appointment, in any manner, of such representative, delegate, or manager as aforesaid; or of attending, voting, or acting, or of having attended, voted, or acted in any manner, in the choice or appointment of such representative, delegate or manager." Yet attendance, according to the Act, does not constitute an offence against the Act, but merely the circumstance of voting. Read the words of the Act; "if any person shall attend and vote, or by any other means shall vote," &c. But by these directions the magistrates are ordered to cause all persons who may have attended at any meeting to be arrested; though these persons may have attended for the most innocent purposes; though they may have attended for the most meritorious purposes; though they may have attended for the very purpose of dissuading such delegation. And yet we see all these innocent or meritorious persons are liable to be arrested and sent to prison, unless held to bail, which in an instance when an individual is struggling against the whole power of government, must be frequently impossible. Surely the law is in all conscience strict enough. It was not necessary for the right hon. gent. to make another provision to its severity. He will, therefore, excuse me, if I ask him whether the measure of the Irish government was previously submitted to the Crown lawyers in Ireland? The other facts connected with this measure are fully as extraordinary. On the 12th of February the right hon. gent. denounces this assembly as an unlawful assembly, and threatens to proceed against all persons guilty of so assembling: and he sends two officers of the police to disperse the assembly, which he had thus denounced as unlawful. Here are these officers sent to a room in Dublin where the Catholic Committee was sitting. They asked the gentlemen present, if they were the Catholic Committee? According to a story given in a periodical paper, in the interests of government, they answered, 'Yes;' but, according to another account, written by the Catholic gentlemen, contradictory of the former statement, they said, 'No.' Then said the magistrates, we are very glad; we have not the smallest inclination to disturb you; we are quite satisfied; and so they walked off without taking any one measure against this Catholic Committee. Certainly, however threatening and exasperating was the nature of the right hon. gent.'s letter, his messengers were messengers of peace and calmness. These messengers were not imbued by these terrible apprehensions of the Committee, otherwise they never would have suffered them to escape their vigilance by merely saying to them, we are not that Catholic Committee which you are sent to disperse. There is another very extaordinary circumstance which I should be glad to hear the right hon. gent. explain. The noble lord who presided at the meeting, said to the magistrates, that he was sorry that the right hon. Secretary had not applied to him, as he could easily have explained the purpose of their meeting, and he was very sorry, that without asking any explanation, they should have been so sent. The magistrates said that they would inform the Secretary, and that they had no doubt but he would be very glad to receive such explanation. Then after, it seems, the Secretary expressed himself extremely happy to see them; when lo, these gentlemen tell the magistrates that they have nothing to tell the secretary, but if he have business with them they are willing to attend upon him. What is most curious is this, that both parties should have seemed so desirous of meeting, and yet could never effect a meeting, and that the right hon. gent. should have been obliged to cross the channel without being able to accomplish it.

But there are still other circumstances in this case not less full of wonder. This Catholic Committee, which was denounced on the 12th of February as unlawful, continued to sit, not only before the 12th of February but since the 12th of February; and in all the newspapers may be read addresses in the name of the Catholic Committee, published in the very teeth of the magistrates. Is not all this very wonderful, that a government so famous for dispatch, that the right hon. gent., so famous for his vigour, should still allow that unlawful assembly to do these things? The right hon. the Chancellor of the Exchequer told us, that he could not account for all these things; the right hon. secretary could. Has government at last found out its fault? Has it found out that this unlawful assembly was not unlawful, not mischievous in its tendency, and harbours no unfavourable designs? though they will not condescend to detail what cause has induced the right hon. gent. to resort to such acts of violence, or at least promptitude, they have been sufficient to induce that right hon. gent. to leave Ireland. I do not mean by saying this to attribute any ill intentions to the government of Ireland. I attribute no intentions to that government, good or bad, because, I own, I cannot comprehend them. I cannot comprehend how a government can put forth a proclamation against an unlawful assembly, threatening to have all its members arrested, and afterwards suffer that assembly to sit, and publish their proceedings in the same manner as before. I certainly cannot comprehend these things, and therefore I attribute no intention, because that intention is incomprehensible; and all that I can say is, that I am extremely impatient to finish my motion, that I may be enabled to hear from the right hon. gent. a solution of this enigma.

The proceeding which the Irish government has taken, is one of the very greatest moment. Ireland, from various causes, unnecessary for me now to notice, is unfortunately sufficiently irritable already; and it was by no means necessary for the strong hand of government to increase that irritation. One would suppose that the government was not willing to increase that irritation; but yet, if we are allowed to judge from the violent resolutions published in the different newspapers in Dublin, this measure of the government has caused the sorest feelings in the body of Catholics of Ireland. The right hon. gent. must admit this irritation, and as it is not necessary, it is not therefore my wish to enter into any details before the House. It must be admitted that this precipitate proceeding has given great offence. Is the right hon. gent., therefore, not called on to justify that proceeding, and why he attributed these ill purposes and motives to the Catholics? And is he not called on to state what are the reasons which may have so suddenly stopt the accomplishment of these evil purposes? I confess I cannot see how the right hon. gent. can get out of this difficulty. Why, when the government had forborne so long, did they at last interfere?—Why, when orders were issued, were those orders never enforced? and why are the Catholic assemblies still allowed to continue? I wish to know if the chancellor, the judges, and the law officers who are members of the council, and whose authority is deservedly high in the country, were consulted? I wish to know what accounts were transmitted to this country by the lord-lieutenant, whose duty it is to know all these things, touching the dangers existing in Ireland. These are things of the utmost moment to Ireland, and of the utmost moment to the whole empire; and I will not allow the right hon. gent. to let these subjects go without investigation. I therefore, Sir, move you, "That an humble Address be presented to his royal highness the Prince Regent, requesting that his royal highness will order to be laid before this House, a copy or copies of any Proclamation or Proclamations which have been in the year 1811, issued by the Lord Lieutenant and council of Ireland, relative to the enforcement of the provisions of an act passed by the parliament of Ireland in the 33d year of his present majesty's reign, intituled, 'An act to prevent the election 'or appointment of unlawful assemblies, 'under pretence of preparing or presenting public petitions or other addresses to 'his Majesty or the parliament;' and also a copy or copies of any case or cases which have been laid before his Majesty's attorney and solicitor general for Ireland, or either of them, by order of his grace the lord lieutenant of Ireland, relative to the enforcement of the provisions of the said act, together with their opinions thereon; and also copies or extracts of all dispatches from his grace, relative to the conduct of an assembly, described in the letter of the right hon. William Wellesley Pole, principal secretary to his grace, now before this House, as an unlawful assembly sitting in Dublin, and calling itself the Catholic Committee."

Mr. *Wellesley Pole* rose and spoke as follows:—Mr. Speaker; I am perfectly willing to admit to the fullest extent which the right hon. and learned gent. (Mr. Ponsonby) can desire, that he has a right to call upon me for an explanation of the recent conduct of the Irish government. I acknowledge his claim to demand an explanation of those measures to which he has alluded in the course of his speech; and I trust that the answer which I am about to give, will prove satisfactory both to the House and to that right hon. and learned gent. At the same time, Sir, I cannot but express my deep regret, that the zeal and eagerness of the right hon. and learned gent. and other hon. gentlemen on that side of the House, have been so ardent as to induce them not only to demand explanations, but to prefer the most serious charges, at a time when they must have known that there was no person present who could give the explanation required, or who could answer the accusations preferred. I cannot but lament that their ardour had not been so far corrected by their prudence and justice, as to have induced them to refrain from entering into any discussion on the subject, during the necessary absence from the House of that individual, from whom alone their remarks could receive a complete and satisfactory answer. I am the more disposed to lament the course which the other side of the House have thought proper to adopt, because, Sir, I know that it has produced the most injurious effects, which might undoubtedly have been avoided, if the gentlemen had waited until they were in possession of all the facts of the case, before they took upon themselves to pronounce a judgment upon it. But this is a point upon which, at the present moment, I am not disposed to dwell. I am anxious rather to reply to the charges brought by the right hon. and learned gent. against the Irish government. Those charges, with the permission of the House, I shall take the liberty of dividing under two heads—The first is the accusation of the right hon. and learned gent. that the law, if violated at all, was violated from the first; and that the government, if they believed the law had been transgressed, were criminal for not having enforced it. The right hon. and learned gent. argued, that if the meeting, calling itself the Catholic Committee, was illegal, the lord lieutenant was bound to have stopped it at an earlier period, and would have done so, had he entertained a just sense of what was due to the peace and happiness of the country.—"For," says the right hon. and learned gent. "if the Catholic Committee was, as you declare it to be, an illegal assembly; if their proceedings were, as you say they were, dangerous to the peace of the country, it was the duty of the Irish government to have put a stop to their proceedings at a much earlier period."

Sir, I will not now enter into a discussion of the question, whether the Catholic Committee, as it was originally constituted, was or was not an illegal assembly; but I will, with the permission of the House, state the reasons why the lord lieutenant, looking always with great watchfulness and anxiety to the proceedings of that Committee from May 1809, felt it to be his duty, with a view to the tranquillity of Ireland, and to the general interests of the empire, to abstain from taking any step which could, by any perversion, be represented as having a tendency to prevent the Roman Catholics of Ireland from appealing to parliament or the throne, with any petition respecting what they considered to be their grievances. Before, however, I enter into this part of the subject, I cannot avoid stating, that on reading the accounts of the debates which have taken place on this subject during my absence, and to which I hope, as I have been so much alluded to in them, and as the administration of which I have the honour to form a part, has been in the course of them so much arraigned, I may advert without disorder; I have been much gratified with many parts of the speech of my right hon. friend opposite to me (Mr. Grattan), who may indeed be called a true patriot, who is an ornament to his country, and whose talents have so often adorned, and have been so much admired in this House. There were many parts of that speech, of which I cordially approved, because they maintained the principles by which the conduct of the present administration in Ireland towards the Roman Catholics of that country has uniformly been guided.

Sir, my right hon. friend is reported to have said, that, considering the peculiar situation of Ireland, the laws in that country, relating to the Roman Catholics, ought to be exercised with as much lenity as possible, consistently with the public safety; and that no acts should be done which could fairly be considered as manifesting a disposition to trench upon their privileges. Sir, I contend that this is precisely the principle by which the duke of Richmond's administration in Ireland has been uniformly guided. My right hon. friend and I may differ as to the extent of the privileges which ought to be conceded to the Catholics of Ireland, but that the laws respecting that portion of the inhabitants of that country, should be administered with the utmost tenderness, is a point upon which I am sure no difference of opinion can ever exist between us. Sir, I will venture to maintain, without the hazard of contradiction, that the whole of the duke of Richmond's administration, from the first hour that he landed in Ireland, has been founded upon that principle: the great object of that noble duke, in every one of his measures, has been to manifest towards the Irish Catholics a spirit of conciliation, of justice, and of tenderness. On assuming the government of that country, his grace had declared to the Roman Catholics, with that candour and manliness which, upon all occasions, distinguish his character, that although they were to expect from him no farther privileges than the law allowed, they should receive the purest justice; that the laws should be administered to them with the most perfect impartiality; that the rights which they possessed should not be invaded, nor should any individuals or societies be allowed to degrade them, or to wound their feelings; that all offices which were open to them, should be freely and fairly open; and that he would entertain no jealousies or partialities. This, Sir, was the spirit and feeling with which the duke of Richmond entered upon the government of Ireland; and by that spirit and feeling has every one of his measures been governed during the whole of his administration.

The right hon. and learned gent. has asked, why, when the Catholic Committee was established in 1809, it had not been suppressed as illegal? The right hon. and learned gent. says, "if the Catholic Committee was an illegal meeting, why did you not interfere at an earlier period? Why did you not suppress that unlawful assembly?" Sir, I will tell the right hon. and learned gent. why the Irish government did not interfere at an earlier period; and, in doing so, it will be necessary for me to refer to the discussions which had taken place in the Catholic Committee, both of that and of the present period; but this reference shall be as concise as possible, for, in my defence of the Irish government, I am determined not to be led to rouse in the House those feelings with which all who love the constitution must be animated, on a consideration of the principles lately promulgated in that assembly. In the month of May, 1809, there had been a general meeting of the Catholics, the earl of Fingal in the chair; in which certain resolutions were agreed to, clearly indicating, that the meeting were fully aware of the nature of the Convention Act, and were anxious not to transgress its provisions; for they declared, in the most express manner, that the Committee were not to be considered as delegates, but as a set of individuals appointed to prepare and manage the petition of the Catholics. And here, Sir, I cannot help observing, that the right hon. and learned gent. who brought forward this motion, has this night abstained from the language which I understand was used upon a former occasion: he has not described the Convention Act as an obsolete law; he has not represented the Irish government as being desirous of entrapping the people, by putting in force the provisions of an unknown act of parliament. This was the kind of language which I understand was used in a former discussion upon this subject by the right hon. and learned gent. and by some who do not appear to-night to be very desirous to come forward upon the present question.

Recurring, however, to the proceedings of the Catholic meeting in 1809, I wish to state to the House, that it passed some resolutions, which, though couched in strong, and even vehement language, the government did not wish to take notice of, because they were such as might have been expected from honest, loyal, and ardent Catholics, anxious to convey to the foot of the throne, and to parliament, a declaration of what they believed to be their rights; and to state what they considered as grievances. They closed their resolutions, however, in a manner which shewed that they had a thorough knowledge of this obsolete Convention Act, and that they were determined not to transgress it; for they declared, that the persons who were instructed to prepare the petition could not be considered as representatives of the Catholic body, and they made it imperative on them to finish their labours within the first fortnight after the meeting of parliament.

The Catholic Committee appointed in 1809, was composed of the 36 representatives of the different parishes of Dublin, who, on a previous occasion, had formed a similar committee; the remnants of the committees that prepared the petitions of 1805 and 1807; and, finally, of the surviving delegates of the Catholic Convention of 1793, and the noble lords who compose the Catholic peerage.

With regard to the first class of persons that I have mentioned, viz. the 36 representatives of the parishes in Dublin, I believe that some of the gentlemen opposite to me had some communication with them when they were in office, because they were the persons who addressed the duke of Bedford. I believe, also, that in those communications the hon. and learned gent. opposite to me, and his right hon. friend, who at that time was chief secretary to the lord lieutenant, gave them some wholesome advice with regard to the Convention Act. I do not undertake to state this as a positive fact, but I know that such is the rumour in Dublin. The lord lieutenant and the government of Ireland knew perfectly well the nature of the construction of this committee; they knew what passed at their meetings; they knew that their debates were ardent, vehement, and sometimes violent; but it was obvious to every man, of a fair and honest mind, who looked at their proceedings with calmness and candour, that, though their language was stronger than propriety could justify, yet that their real, and indeed their sole object, was to frame their petition for parliament. The Irish government, therefore, acting upon the principle which I have already alluded to, did not interfere, or take any notice of their proceedings. This Committee met in July; its meetings were adjourned to October, and then to November (during which month, I believe, it met two or three times), when, having framed their petition, they dissolved themselves. The lord lieutenant might undoubtedly, if he thought proper, have called the law advisers of the crown to his council, for the purpose of taking their opinion with regard to the legality or illegality of the proceedings of this Committee, but he did not do it, and for this simple reason, that he felt it to be his duty not to interfere with the Catholics, as long as they professed to be merely engaged in preparing their petition for parliament, and as long as their proceedings had not a tendency to inflame the public mind and endanger the peace of the country. So much for the Committee of 1809.

The Committee of 1810, I am sorry to say, conducted itself in a very different way. It commenced much in the same manner, by a general meeting of the Catholics, by which the Committee of 1809 was re-established, and the same resolutions were passed, as those which had been agreed to in the preceding year. An aggregate meeting afterwards assembled on the 2d of November. I fear that this detail may be tedious, but it is necessary to the elucidation of the subject, and I must request the attention of the House particularly to this part of it. The adjourned aggregate meeting, as I before stated, took place on the 2d of November; a great difference of opinion prevailed among those who attended it, with regard to the propriety of petitioning, and the debate was conducted with extreme violence. Several speeches were made on the occasion, of which I shall not say any thing; but one argument was used by a Mr. Finnerty, a person formerly well known in Ireland, and who was then in that country for the purpose, as it was stated, of collecting affidavits for his defence on a charge of a libel upon a noble lord, which it may not be improper to notice. The manner in which it was said the English nation was misled, with regard to Ireland, had been previously dwelt on with great heat, and much had been stated of the stupidity and vulgarity of the people of England. Mr. Peter Finnerty, in the course of a very long speech, defended the English nation from these charges. He observed, that the English people detested their government, and that it would be as great a libel to judge of the English nation by the principles of their government, as it would be to judge of the Irish people by theirs. He asked, what honest Irishman would endure to have his principles judged of by the principles of the Irish government? After this, Mr. Finnerty proceeded to recommend a petition to parliament for Catholic Emancipation, a Petition for Parliamentary Reform, and a Petition for a Repeal of the Union!! All this would have been unimportant, but for what followed. The speech of Mr. Finnerty was received with the loudest applause, and he was rewarded by an unanimous vote of thanks of the aggregate meeting. I will not enter into a detail of the other speeches at this meeting, because my object is not to inflame, but to conciliate; I will therefore state no more than is absolutely necessary for the justification of the conduct of the Irish government. This same meeting, after the vote of thanks to Mr. Finnerty, resolved that the Catholic Committee (that Committee which had been appointed by the former aggregate meeting, for the sole purpose of framing the petition to parliament) should have the sole management of the Catholic affairs. All this was perfectly well known at the Castle. But at the same time it was felt, that though it was extremely imprudent conduct, it yet involved no danger to the state. The lord lieutenant, therefore, and those by whom he was advised, took upon themselves the responsibility of looking over the whole transaction. What happened afterwards? On the 24th of November the Catholic Committee met again, and lord Fingal was called to the chair: of that noble lord, it is hardly necessary that I should state, that he is one of the best men among the Roman Catholics, and one of the best and most loyal men in Ireland. At that meeting a motion was made, for a vote of thanks from the Catholics of Ireland to lord Donoughmore. The impropriety of discussing a question of that kind, in a Committee appointed solely and exclusively for the purpose of preparing a petition to parliament, struck lord Fingal, and he stated his doubts upon the subject to the Committee; and though he heartily approved of thanking lord Donoughmore, desired to be informed, whether it was competent to the Committee to do any thing but prepare the Catholic Petition? His lordship was answered by Mr. O'Connel, who reminded the Committee, that the last aggregate meeting had removed all doubts upon that subject, by their resolution, empowering the Committee to conduct all the affairs of the Roman Catholics of Ireland.—[Mr. Pole then read the outline of the proceedings of this meeting of the Committee, from the Dublin Evening Herald; and stated, that a short-hand writer attended their debates, which were regularly published in the Irish newspapers.]—Mr. O'Connel's opinion, with respect to the general powers of the Committee, accorded with the sense of the members present, and the resolutions were carried unanimously. Here then, the House will observe, was a doubt expressed by a Roman Catholic peer, of the highest character, whether the Committee was exceeding its powers; but still the lord lieutenant abstained from interposing: he still remained firm to his purpose—a purpose which my right hon. friend opposite to me (Mr. Grattan), has so lately characterized as the most wise policy that could be pursued in Ireland, viz. that of trying mild and conciliatory measures as long as possible, consistently with the safety of the state. In the meeting, however, of the 1st of December, the Committee went still farther. On that day, one of the members, in very strong language, called the attention of the Committee to what he described as a very great grievance, which had been suffered by a Catholic soldier. He told the Committee that they were the natural guardians of the rights of the Catholics, and proposed a subscription for prosecuting those "bigotted delinquents," as he termed them, whatever their rank or station might be, by whom this Catholic soldier had been injured.

I will now, Sir, shortly state to the House the facts respecting this soldier, who was represented to have been so cruelly injured, and whose injuries were said to have been redressed by the Catholic Committee. On the 24th of August last, Dr. Troy, the titular archbishop of Dublin, wrote to the chief secretary to the lord lieutenant, and mentioned the case of a soldier of the name of Spence, who had commuted a very severe sentence which had been passed upon him by a court martial, by consenting to go into a regiment always employed upon foreign service. Dr. Troy, in his letter, represented this man's case as being peculiarly hard. This letter, by the lord lieutenant's order, was immediately transmitted to the commander of the forces, for his opinion on the subject. The commander of the forces directly ordered the case to be investigated. I should have stated, that this man having been tried by a regimental court martial, the proceedings had not been laid before the commander of the forces. The investigation did take place, and the result was, that the whole of the sentence was remitted. The man was brought back again, and was freely discharged from the army. Dr. Troy's application was made, as I have already said, in August, and in December the business was taken up in the Committee: the matter was discussed with great warmth and acrimony of language, but at length they admitted that justice had been done to the soldier. A motion, however, was made by one of the members of the Committee in the court of King's Bench upon this subject, but it was instantly rejected. The debates of the Committee, however, boldly asserted, that it was through their exertions, and by their means, that the wrongs of this soldier had been redressed, that is to say, that their exertions in December had produced a remission of his sentence, which sentence had been completely remitted, by the orders of government, in consequence of proceedings instituted by them in the preceding August! ! They told the Roman Catholics of Ireland, in the most violent language (language indeed of such a nature, that I almost doubt whether government was justifiable in having refrained from prosecuting the printer by whom it was published), that in consequence of the exertions of the Committee, all the Catholic soldiers in Ireland had had justice done to them; that they might now worship their maker according to their own ritual: thus inferring, that all tenderness, kindness, and justice, did not proceed from the government, but emanated from the Catholic Committee; and holding themselves up as the proper and exclusive objects of the affection of the people!

Even this, however, did not rouse the indignation of the lord lieutenant, who felt, as he had felt on a former occasion, that forbearance was preferable to an appearance of rigour.

On the 29th of November the petition was received from the Sub-committee, was read in the Catholic Committee, and acknowledged as the petition of the Catholics of Ireland; at the same Committee they voted thanks to my right hon. friend opposite to me (Mr. Grattan), in the name and by the authority of the Catholics of Ireland. The petition having been agreed to, it was to be presumed, that if the Committee were constituted solely for the purpose of preparing a petition, that their labours were in fact at an end, except indeed as to the consideration of the question of the mode of presenting the petition, and the nominating the persons to be employed for that purpose. At this time, however, it is necessary that I should observe, that many of the most respectable of the Catholics of Ireland had become very much dissatisfied with the proceedings of the Committee, and with the violent, inflammatory, and intemperate language which had been used in their debates. Lord Ffrench, and others that I could name, certainly did disapprove of their proceeding; and here, Sir, I think it necessary to state to the House in the strongest manner, that it never once entered into the contemplation of the government of Ireland to take any steps against the Catholics generally, or to throw any reflection upon them as a body. Nothing could be further from their intention; the object of the government was only to act against what they knew to be an illegal body, and to put a stop to proceedings, which, if not checked in time, might lead to the most serious consequences, even to rebellion. [Here some gentlemen on the opposite side of the House laughed.] Gentlemen may laugh if they please; it may appear a very good joke to them, but I can assure them it was no joke to the people of Dublin, who did certainly look with considerable uneasiness to the proceedings, and the intemperate language of the Committee. The lord lieutenant, however, feeling that the petition having been agreed to, and that nothing remained for the Committee to do but to choose the persons who were to carry it over, was of opinion, that bad as the proceedings of the Committee had been, mischievous as the publication of their debates had proved, and great as was the ferment occasioned in Dublin by the presence of a Catholic Parliament, as it had been emphatically termed, the evil must soon cease, and that it was much better, if possible, to allow it to arrive at a termination without any interference on the part of the government, in order to convince the Catholics that there was not the slightest disposition to interfere with them in the framing or managing their petition. But, Sir, the Catholic Committee did not stop here; the next step they took, about the middle of December, was to appoint a Committee of Grievances. This Catholic Committee, originally appointed for the sole purpose of preparing a petition to parliament, appointed a Sub-committee to inquire into all the grievances, real or imaginary, of all the Catholics of Ireland, and into all the indignities and insults which they might suffer, or to which they were in consequence liable.

At one of the meetings of the Committee a member informed them, that he had received a letter from Dr. Troy, which contained an account of some shocking acts of bigotry which had been manifested in the management of the Foundling Hospital in Dublin. I have never seen this letter of Dr. Troy's, and therefore I can only speak of it from what passed in the debates. It is necessary, Sir, in order that the House may understand this part of the subject, that I should explain the nature of the charitable institution to which I have alluded, and the principles on which it is governed. The Foundling Hospital was established by act of parliament, and receives annually large parliamentary grants. Every child that is brought to it, is received, without any distinction whatever, and there are generally about twelve hundred children in the hospital, and about four or five thousand are at nurse in the country. The governors of this hospital are among the most respectable; indeed, I may say they are the most respectable persons in Ireland; and there is not a single institution in that country, or perhaps in any other, that is conducted in a more exemplary manner. All the children received into this hospital have some name or label brought with them, which is entered into a secret book, and a number is given to the child, by which it is distinguished while it remains in the house, and not by any name. As this is a government institution, supported, as I have already said, by parliamentary grants, the children that are received into it are, of course, brought up in the established religion of the country, and, when apprenticed, they are apprenticed to Protestant masters. However, when any person, whether Catholic or Protestant, claims a child, and states the private name, or mark, by which it was distinguished when it was received, the child is instantly delivered up to the person making the application. I have not seen Dr. Troy's letter, but I understand that it accused the governors of this institution of endeavouring to gain proselytes to Protestantism, by contriving that no Catholic should ever receive his child; and it narrated a shocking circumstance, which was said to have occurred in consequence of this bigotry—the marriage of a brother and a sister, who were ignorant of their mutual relationship. This statement was, of course, warmly taken up by the Committee, and the debates which took place upon the subject were of such a nature that I will, for the reason I have already stated, refrain from reading them. If gentlemen have any curiosity to read the debates of this Committee, they will soon have an opportunity of doing it, for, I understand, they are about to be published, by the authority of the Committee, in a portable form. This case was referred to the Committee of Grievances: thus they proceeded, but the government still forbore to interpose. In the mean time, the Catholic Committee continued to meet from week to week, and sometimes twice a week: they adopted, as far as they could, all the forms of the House of Commons. Their debates were attended by short-hand writers, and were published regularly in the Irish newspapers.

About the beginning of January a member of the Committee stated, that the Committee of Grievances had nearly prepared their report, which consisted of three hundred folio pages. At this time, the House will recollect, that the purpose for which the Catholic Committee was originally appointed was effected; the petition to Parliament had been prepared and agreed upon. It was proposed, that this report of the Committee of Grievances should be printed, that it might be circulated throughout Ireland; and it was proposed, though by what means that was to be regularly effected, I really do not know, to lay a copy of it on the table of this House. One of these grievances was, the number of offices which it was said Catholics were incapable of possessing, and which, in this report, were made to amount to 32,000.

It cannot be supposed, Sir, that during such proceedings as I have been detailing, Dublin was in a very tranquil state; in fact they had produced a considerable effect upon the public mind, not only in Dublin, but in every part of Ireland. The quiet and well-disposed people, seeing that no steps had been taken to put a stop to such dangerous proceedings, began to think that the government of Ireland was really dissolved. Indeed, Sir, nothing could have justified the lord lieutenant, and those who had the honour to advise him, in their abstinence, but the expectation which they naturally entertained, that every meeting of this Committee would be the last.

The right hon. and learned gent. has endeavoured to convince the House, that the Circular Letter of the Committee was matter of notoriety, and had been actually communicated to the public through the channel of the Dublin newspapers; but I defy the right hon. and learned gent. to shew that such was the fact. It is true, that in a debate which took place towards the end of December, some symptoms appeared of the intention of these gentlemen to increase their number; but the right hon. and learned gent. is in an error, if he conceives that the intention was manifested in the decided manner which it afterwards assumed. In December a resolution was agreed to, desiring the secretary of the Committee to correspond with some gentlemen in the country, who were friendly to their views, but not a word was said about any election. Afterwards, a guarded resolution was adopted, stating that an augmentation of the number of the Committee was desirable, and that the management of that augmentation should be vested in a Sub-committee. Still, however, not a word of the Circular Letter until the 19th of January. On the 23d of January the Irish government became possessed of the fact, that such a letter had been written by the secretary of the Catholic Committee, and that several answers had been received thereto; but of the nature of the letter, or of the answers, they were wholly ignorant. To shew, however, what was the nature of the augmentation suggested in December, I beg to state (what I think in candour, the right hon. and learned gent. might have stated), the opinion of one of the members, who declared, that when to the 36 representatives of parishes, ten members should be added from each county, the whole " would make a greater number than he had ever seen at any aggregate meeting."

To proceed, however, with the history of the Committee. It adjourned from week to week, under the pretext of affording assistance to lord Fingal in the conveyance of the Petition; but at every meeting a violent and inflammatory debate almost invariably took place. The principal Roman Catholics of Ireland had become more and more dissatisfied with the proceedings of the Committee, as abusing the lenity of government, and injuring, by the intemperance of their conduct, the cause which they were assembled to support. On the 2d of February they agreed unanimously to a resolution, that the Petition of the Catholics of Ireland should be transmitted to Parliament. On the same day a resolution was proposed, that the Catholic Committee had exceeded its powers, by agreeing to augment its numbers by the addition of ten members from every county in Ireland. This motion produced a very warm debate, and was finally rejected. In the course of the debate lord Ffrench made use of the following expressions:—" You were appointed for a specific purpose; your commission is ended—Ireland is sick of this business! Do you mean to erect yourselves into a perpetual government?"—The Committee, however, would not acknowledge that their powers were terminated; and, instead of ending the business altogether, they adjourned to the 9th of February. Still the lord lieutenant forbore to interpose the authority of government, satisfied that a crisis was fast approaching.

At the meeting of the Committee on the 9th of February, several of the members indulged in the most violent and intemperate language. One gentleman, in particular, professed to undertake the defence of lord Fingal, one of the most loyal of the Catholic body; a nobleman in every way highly estimable, and whom no man could know without admiring. Lord Fingal, it appears, had been accused of supporting the Veto, of concurring in the Union, and of moving a vote of thanks to lord Wellington. But the defence which this gentleman professed to make for his lordship, was in fact the most libellous accusation. I do not wish to read any part of this speech to the House, because the language was so extremely violent. The speaker did that which nobody ever thought of doing before, he identified the whole Catholic Body with the rebels of 1798. I really do not know whether the government of Ireland were not culpable for not having prosecuted the printer for the publication of this most inflammatory speech:—[Here there was a general cry of read! read! and Mr. Pole proceeded to read the following extract from the speech of a gentleman]:—

' —— Return, my lord, before I speak ' of the first charge, to the times of that ' Union, and recollect the state of Irish ' Catholics; of your population, the mass ' dispersed, the boldest slain, the patriots ' endungeoned and enchained, the remainder ' mute and disarmed. In this combination ' of overthrow and captivity, lord ' Fingal was prominently loyal. How ' much would your exterminators have ' given that lord Fingal were arrayed ' against the laws! that they should be ' able to say, they had caught in the fact ' of treason, all our virtues and all our ' pride! In that crisis of sorrow and of ' infamy, you will find lord Fingal, the ' man of the people; you will find him, ' after the battle at Tara, petitioning quarter ' for the men against whom he had ' fought; you will find him petitioning ' for the best of men, and the most obnoxious ' to those exterminators—for the ' venerable Broughall, now no more, and ' for him whose presence would give honour ' to this meeting, of which he is ' a part—for James Dixon. You will ' find, that if he assumed the livery of ' your oppressors, it was chiefly that he ' might save or intercede for the oppressed.'

[Some gentlemen asked Mr. Pole across the table, from which paper he had read this extract? He replied, either from the Evening Post or the Evening Herald, he believed it was from the latter paper, and he was sure the gentlemen on the other side would not dispute its authenticity.]

Up to this time no step had been taken

by the government of Ireland; they had cherished the expectation, that any interference on their part would have been unnecessary; but the fallacy of that hope began to manifest itself. The government was assailed on all sides by the peaceable and loyal people of Ireland, to take some steps to avert the dangerous consequences with which the proceedings of this Committee threatened the country.

I hope, Sir, that in the tedious, but necessary detail which I have gone through, I have convinced the House of the great difference which subsisted between the principles and conduct of the Committee of 1809 and the Committee of 1810. The conduct of the latter certainly did cause great uneasiness to the government of Ireland, and to all loyal men. Representations poured in from all parts of the country; and the lenity and forbearance of the lord lieutenant was loudly censured. Thus it appeared, that the Irish government were censured by one set of men for severity, and by another for its forbearance. But I submit it to the candour of this House and the public, whether, under the circumstances I have stated, the lord lieutenant appears to have acted towards the Catholics with rigor; or whether he has taken any measures whatever, to prevent them from exercising the just right which they possessed, of petitioning Parliament, or his Majesty, or the Regent, on the subject of their claims? I am apprehensive that the lord lieutenant was rather liable to the contrary imputation. It may be so. In my conscience, however, I believe that his grace has acted wisely; and I have the satisfaction of knowing, that the advice I felt it my duty to give the lord lieutenant on the occasion, met with the entire approbation of the lord chancellor and the attorney general of Ireland. Many had been the consultations of the Irish cabinet with respect to the propriety of an application to the British cabinet for instructions; but the result of their deliberations always was, that it was better to go as far as the public peace would permit, without any interference of authority. But, Sir, I really am at a loss to determine, from the speech of the right hon. and learned gent., whether the Irish government are, upon the present occasion, to be attacked for their lenity or for their harshness. Some hon. gentlemen seemed to wish to accuse them of both. I am sure, however, that my right hon. friend opposite to me (Mr. Grattan) will not think that we acted with too much forbearance; for I understood him to have said, in his speech upon a late occasion, that it was the duty of the government of Ireland to risk something for the purpose of evincing a greater tenderness towards the Catholics than towards any other set of men in Ireland. Precisely in the spirit of that remark, Sir, has the Irish government acted. I know that in any other case the lord lieutenant would have interfered much sooner; and I can take upon myself to assert, that if the Committee had been a Protestant, a Dissenting, or an Orange Committee, instead of a Catholic one, it would not have been allowed to go on so long unmolested. It was on a calm and deliberate balance of motives, and with a full feeling for the responsibility incurred, that the lord lieutenant adopted that line of conduct which appeared to him best calculated to secure the interests of the sovereign and of the country.

I really feel it necessary to apologize to the House for taking up so much time; but upon so important a question, I conceive it to be my duty to put the House in the full possession of all the facts of the case.

I now come, Sir, to the other part of the charge of the right hon. and learned gent. The House will recollect, that I have brought the proceedings of the Catholic Committee down to the 9th of Feb. With regard to Mr. Hay's circular letter of the 1st of January, the Irish government never saw it until the 10th of Feb. I know, at least I understand, that a noble lord stated in another place, that he was in possession of that letter early in January. That is very possible—that noble lord may be more in the confidence of those from whom that letter emanated, than the Irish government are. It may be contended, that the Irish government, in not having obtained this letter sooner, had shewn themselves supine and unfit for office. In answer to this charge, I can only say, that every fair means of obtaining that information was resorted to; that great diligence was used upon that particular subject, by the persons whose duty it was to receive information; and yet it is most true that the letter of Mr. Hay was not known to me until the period I have mentioned. But whether the government were censurable or not, for not obtaining information upon this subject at an earlier period, is not now the question before the House.—The question is, whether, when they did obtain the information, the course they pursued was justifiable and proper? On the 10th of February, then, the Irish government obtained a copy of this circular letter, and at the same time received private information of the most secret nature, that several thousand copies of that letter were circulating in Ireland; that many members of the augmented Committee had been returned; that some of them had actually arrived in Dublin; and that the whole of them were expected to arive time enough for the meeting of the 16th of February, or at latest for that of the 23d. We were also informed, that the letter had been penned by the lawyers belonging to the Catholic Committee, and that great pains had been taken to keep within the letter of the law, and to avoid incurring its penalties, the object being to obtain a complete representative body from all the counties of Ireland, under the pretext of assisting in managing the petition. It was also stated, that when all the members had arrived, and the Catholic convention had assembled, it would be kept sitting, for the purpose of diffusing throughout Ireland the flame which the Committee had raised in Dublin. The Irish government also received information of the mode in which the elections had been, and were to be, conducted. One main object, it appeared, was to secure secrecy; and names were sent down from Dublin, of particular persons resident in that city, whom the Committee recommended to be returned as delegates from certain places; and by this contrivance it was expected that a full attendance would always be secured. Such was the nature of the information received by the Irish government, and on that information they acted!

The right hon. and learned gent. has asked me repeatedly in a very pointed manner, whether, before I took upon myself to write the letter to the sheriffs and chief magistrates of Ireland, I had taken the opinion of the attorney and solicitor general of Ireland? Sir, that right hon. and learned gent. once filled a high official situation in Ireland; under the duke of Bedford's administration the right hon. and learned gent. held the office of lord high chancellor; and another right hon. gent., who sits near him, filled, at the same time, the office of chief secretary to the lord lieutenant. Now, Sir, I will ask that right hon. and learned gent., if at that period the government of Ireland had received information similar to that which I have now communicated to the House, what he would have advised his friend, the chief secretary, to do? Would he not have advised him to state the facts to the lord lieutenant, and to propose to the lord lieutenant to send for lord chancellor Ponsonby, for Mr. attorney general Plunket, and for Mr. solicitor general Bushe, for the purpose of holding a cabinet council on the subject? The right hon. and learned gent. assuredly ought, and I am persuaded would have done so. Sir, that was precisely the course which I adopted. Lord chancellor Ponsonby could not be sent for, because he was not in office, but lord chancellor Manners was summoned to attend the council. Mr. attorney general Plunket could not be summoned, for the same reason, but Mr. attorney general Saurin was. The solicitor general, Mr. Bushe, did not attend the council, because he was at that time absent in the country, attending a special commission; but I have great satisfaction in stating, that upon his return to town, he approved, in the fullest manner, of every step which had been taken, and confirmed that opinion under his own hand. The right hon. and learned gent. knows lord Manners, and Mr. Saurin, and Mr. Bushe; and knows the weight that is due to their opinions. I will not attempt to describe the characters of these great men, because I feel that I should not do justice to them. But it is the happiness of my life to be enabled to say, that throughout the whole of this transaction I did not take one single step, nay, I did not even write the letter to lord Ffrench, on which the right hon. and learned gent. has thought fit to comment, without the concurrence and full approbation of those great men. The very last words that lord Manners said to me, when I was quitting the Irish shore, were, "I will never forgive you if you do not make me prominent in this business. Let me have my full share of the responsibility."—At these meetings of the cabinet council in Dublin, the lord lieutenant presided. The right hon. and learned gent. has asked, why the benefit of the lord chief justice's opinion was not taken, as it might have been, at a meeting of the privy council? I will tell the House why. The lord chief justice of Ireland was not consulted. Because if any of the individuals whose conduct was under consideration, had been apprehended and brought to trial, the lord chief justice must of course have presided; and whatever may be the opinion of the right hon. and learned gent. opposite to me, upon this subject, I disdained to use any means by which a stain could be thrown on the purity of a court of justice.

On a full and dispassionate consideration of all the circumstances of the case, the government were of opinion that the proper course to be pursued was the one which has been adopted. It was resolved that the attorney general should frame a letter to the sheriffs and chief magistrates, stating the law of the case, and calling upon the magistrates to enforce it. But when this letter was framed and sent, the Irish government knew perfectly well that the law was not likely to be put in force against any man for any thing that was past, and that it would only be made to operate prospectively; and the fact turned out exactly so; not one man was arrested—not one held to bail, except a printer at Galway, who persisted in advertising a meeting in contravention of the act.

The lord lieutenant, always animated by feelings of tenderness towards the Roman Catholics, even when he was forced to act, determined that no individual should be taken up or punished for that which was past. The attorney general was directed to frame this letter to the sheriffs, stating the law of the case, in the hope that it would have the effect of inducing those persons, who were engaged in the plan, to desist, when they found they were acting in direct violation of an act of parliament. A great deal has been said about the expression in the letter, "unlawful assembly," as applied to the Catholic Committee; and it has been contended, that there was no occasion to name the Roman Catholics. I hope the right hon. and learned gent. will do the lord chancellor and the attorney general of Ireland the justice to suppose, that these were circumstances which did not escape their acuteness, but having received the information which I have detailed to the House, they thought they could not avoid stating the fact in the letter. As Mr. Hay had addressed his letter to Catholics, and directed that Catholics should be sent from the counties to augment the body calling itself the Catholic Committee; and as the information in the possession of government was sufficient, in the opinion of the law officers of the crown, to prove that body an unlawful assembly, it was thought impossible to take any step towards stopping the elections, or towards preventing the Committee from continuing their illegal proceedings, without naming both the Catholics and the Committee. With regard to the question of law, I certainly shall not enter into a discussion with the right hon. learned gent. upon it, as I do not pretend to be acquainted with legal subtleties. I am no lawyer, and though such arrogance has been attributed to me, I never presumed to take any legal steps without having recurrence to the best advice. I cannot but observe here, Sir, that the tone and temper of the right hon. and learned gentleman are very different tonight from what I understand they were upon a former occasion. He has not now spoken of the Convention Act as an obsolete law, but he has taken the ground which, I understand, was taken by a noble lord in another place, viz that if the lord lieutenant thought it expedient to proceed as he has done, he ought to have issued a proclamation. Now, Sir, what were the circumstances of this case? There was the law of the land, an act of parliament, in full force; in such force, indeed, that the very persons against whom it was to operate, recognized it in every part of their proceedings by their efforts to avoid coming within its provisions. It is obvious, that the Committee had this act always in their view; and I defy the most ingenious man in the House to look fairly at the whole proceedings of the Committees of 1809 and 1810, and to controvert that proposition. Until an occasion occurred which required the exercise of the Covention Law, of course it could not operate: that occasion did occur, and I really am at a loss to know upon what ground it is contended, that a proclamation ought to have been previously issued. Proclamations are only resorted to in particular cases; such, for instance, as the Insurrection Act, which was not always in force. The government, when it felt itself called upon to put that act into execution, must, by the law, announce that intention by a proclamation; but, in the case of an act of parliament always in full force, it is absurd to suppose that government was bound to issue a proclamation before they acted upon it. A case also occurred the other day in Ireland, in which the issuing of a proclamation was necessary; I mean in the case of the application of the manufacturers to government for relief. In that case, two hundred thousand pounds were issued to them, but as there was no act of parliament in force upon the subject, and parliament were not sitting, the advance was necessarily made under the authority of a proclamation. Under such circumstances as those I have stated, a proclamation is proper; but I never before heard it contended, that a proclamation was necessary to enforce the statute law of the land.

I trust, Sir, I do not flatter myself, when I express a hope that I have now satisfied the House, that, when the Irish government thought it necessary to adopt some measures for the security of the public peace; when this letter, of which the right hon. and learned gent. complains so much, was issued, the Catholic Committee had assumed a new shape; that it had arrogated powers very different, and much more extensive than those with which it was originally invested; in short, that it had taken a form highly dangerous to the peace of the country. I hope I have proved that the Irish government continued to act upon a system of forbearance and lenity until it was compelled, in point of duty, and called upon from every part of the country, to adopt the measures that might be necessary to preserve the public peace. Most undoubtedly, Sir, if the intelligence which I have just detailed to the House, had reached the Irish government time enough to have enabled them to have taken the opinion of the ministers of the Prince Regent, they would have done it; but it is evident, from what I have stated, that the Irish government could not have delayed taking the step it was compelled to take, without allowing the Catholic Convention, or Parliament, as lord Ffrench had called it, to have had at least one meeting, the effects of which might not have been easily effaced. The Irish government felt also, that it was absolutely necessary, for the preservation of the tranquillity of the country, to put a stop to the elections in the different parts of Ireland which had actually commenced, and to shew the people in general the danger they were incurring, and the unpleasant predicament in which they were involving themselves, by acting in conformity to the letter of the secretary of the Catholic Committee. In this point of view, the letter to the magistrates was a letter of precaution, and I am happy to say it produced the most beneficial effects. The country is in a state of tranquillity, the meetings for the elections have been checked, and considerable progress has been made in bringing the Catholic Committee to a proper sense of its situation.

I come now, Sir, to the consideration of that part of the subject upon which the right hon. and learned gent. has dwelt so much, I mean the direct communication that took place between government and lord Ffrench. As soon as the meeting had been declared an unlawful one by the authorities I have mentioned, it became the duty of government to prevent it from again assembling without interruption. Having obtained information that it was to meet at a particular place on a certain day, government determined to enforce the act of parliament, by dispersing the assembly, but in doing so the magistrates were instructed to act with the utmost mildness and conciliation.

The right hon. and learned gent. has attempted to throw some ridicule upon this part of the subject, and to represent me as deserving all the blame, which, in his opinion, belongs to the transaction. Sir, I do not wish to decline any of the responsibility which is necessarily attached to the situation which I have the honour to hold, but I must repeat, that during every part of this business, I acted with the advice and concurrence of the noble and learned persons to whom I have alluded. The right hon. and learned gent. says, he has seen two different accounts of what passed when the magistrates went to the meeting, the one signed by alderman Darley and Mr. Babington,*

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* The following is the account given by alderman Darley and Mr. Babington:

Police Office, Jervis Street,
Feb. 23, 1811.

"Pursuant to the directions of government, alderman Darley and Mr. Babington repaired to the house of Fitzpatrick, in Capel-street, where the Roman Catholic Committee had been used to assemble. They asked Fitzpatrick if there was then a meeting of Catholics in his house? He replied in the affirmative, and ushered the magistrates to the rooms on the first floor, where from forty to fifty gentlemen were assembled.

"On the table lay some copies of the Catholic petition, which the persons then present were in the act of signing. Mr. Hay, who was at the table, said, gentlemen, such of you as have signed the petition for the Commons and not for the and the other an anonymous one, and that he did not know which to believe. [Mr. Ponsonby said it was not an anonymous account.] Well then, the account published by the Catholic Committee; but he says he does not know which to believe. Sir, if that

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Lords, be so good as to come forward and sign. Immediately after the magistrates entered the room, lord Ffrench was called to the chair.

" Lord Ffrench demanded of the magistrates by what authority they came there? Alderman Darley replied, that understanding the meeting to be a meeting of the Catholic Committee, he must request of them, as a magistrate, to disperse. Lord Ffrench asked if the order was from government? Alderman Darley said, certainly.

" Lord Ffrench assured the magistrates that that meeting was not the Catholic Committee—and that he sat as chairman of no Committee, but as chairman of a meeting of Catholic gentlemen, for the purpose of signing and forwarding a petition to Parliament. Lord Ffrench said, it was right to warn alderman Darley, that by taking such steps towards that meeting, he might be the first person to disturb the peace. Alderman Darley expressed the regret he felt at discharging so painful a duty, and said that we were unattended by even a peace officer; that, however, our duty must be done.

" Lord Ffrench said, he had as high a respect for the laws as any one, and said if the magistrates began at the end of the room, he hoped he should be the last man turned out—he said, had he been treated as he might have expected, by Mr. Pole, before any harsh step was taken towards a meeting of that body to which he belonged, by having been sent for, he could have so explained the nature of the meeting as to prevent the interference of a magistrate; he added, that he in his own person had an additional claim, conceiving himself an hereditary counsellor to the crown.

" Mr. Babington said, that the magistrates had the highest respect for his lordship; that his sole object in remaining was to try the question—we would do any thing to facilitate the matter—that force was repugnant to our feelings, and that we hoped they would quietly submit. Some gentlemen replied, there was no question to try; that no individual in the room would resist the laws, and that no force was necessary; that they would go any where with us.

" Alderman Darley was asked if he had a written information; to which he answered that he had.

" Sir Edward Bellew asked, if it was the order of government to disperse any meeting of Roman Catholics?

" Alderman Darley having information that the Committee was to be there assembled, and having positive directions to disperse the Catholic Committee, conceived himself justified, in reply to sir Edward Bellew's question, to say, that his orders were, to disperse any meeting at that house.

" Lord Ffrench then asked him, would he not pause before he took that step—would he shut the door against their right to petition? and proposed that he should wait on Mr. Pole, and explain the nature of their meeting.

" Alderman Darley seeming to decline, lord Ffrench then asked alderman Darley, would he commit the peace of the country, and take on himself the responsibility, without making this trial? Lord Ffrench added, if it was the wish of Mr. Pole, he and any three or five of the gentlemen present would wait on him. Alderman Darley having consulted with Mr. Babington, at length agreed that he would wait upon Mr. Pole. Mr. Babington remained in the room during his absence. Lord Ffrench said, if thought necessary, that no gentleman would leave the room during the absence of alderman Darley, nor should any other person be permitted to enter. Some person said that that could not be, as it was an open meeting. In the absence of alderman Darley, Mr. Hussey asked Mr. Babington, if he had a written information? Mr. Babington replied, that he had better not speak on that business till alderman Darley returned.

" Alderman Darley having returned from Mr. Pole, stated, that as lord Ffrench had assured the magistrates that the meeting was not the Catholic Committee, but a meeting of Catholic gentlemen, for the purpose of signing and forwarding their petition to parliament, it was the order of government, that the magistrates should not by any means interrupt them. Alderman Darley having again asked lord Ffrench whether that was a meeting of the Catholic Committee, or a meeting of Catholic gentlemen for the purpose of right hon. and learned gent. does not choose to believe the account given by alderman Darley and Mr. Babington, and which is signed with their names, I cannot help it, but government were bound to believe it. These magistrates had received particular instructions for the regulation of their conduct when they went to the place where the assembly was to be held; and these instructions were, that they should disperse the meeting with as much civility as the nature of the transaction would allow. The magistrates went to the place appointed for the meeting; they found there a number of gentlemen assembled, and immediately upon their arrival lord Ffrench was called to the chair, and the alderman asked if the persons assembled were the Catholic Committee? Lord Ffrench answered in the negative, and said they were a number of Catholic gentlemen assembled to sign their petition. Upon receiving this answer, the alderman hesitated, and at last determined to apply to government for further instruction. He accordingly came to the chief secretary's office, where I was, and made his report. The Court of Chancery was at that time sitting; I went thither, and had an interview with the lord chancellor and the attorney general, and consulted with them upon the subject. We all agreed, that after what lord Ffrench had said, no attempt should be made to disperse that meeting. We considered lord Ffrench to be a gentleman and a man of honour, and therefore we placed implicit confidence in what we understood him to have declared. I admit, that afterwards the meeting did publish some resolutions, in which they called themselves the general Committee of the Catholics; but I know too well the candour of the right hon. and learned gent. to suppose that he would for a moment, in so serious a discussion, avail himself of such a quibble. I am quite certain, that if he had been in the Irish government when this affair took place, he would have given credit, as we did, to the information which was received. The right hon. and learned gent. has stated, that we were culpable, because, having designated the Catholic Committee an illegal assembly, it was suffered to meet again. It is true, Sir, that on the 26th of February, the day I left Ireland, it was represented to government, that an aggregate meeting of the Catholics was to take place, and it was determined not to interfere with them, because such a meeting would have been legal and constitutional. Government were certainly aware that a considerable sensation had been excited among the principal Catholics; we knew that they were very angry at the terms of the circular letter written by the lord lieutenant's command. I am willing to give the right hon. and learned gent. the full benefit of this admission; but I will not allow myself to doubt, that when the Catholics come to reflect seriously upon the subject; when they consider, that the step which was resorted to was taken with the best advice, and after a full, calm, and deliberate investigation, they will applaud rather than censure the conduct of government. Indeed, even now, many of the most respectable Catholics do not disguise their opinion, that the conduct of the Committee had thrown discredit upon the Catholic cause, and had endangered the peace of the country. It certainly was a subject of consolation to the lord lieutenant to know, that a number of respectable Catholic gentlemen were coming to Dublin to put an end to this Committee themselves; and, therefore, the Irish government, though still watching their proceedings, determined not to molest them. I beg leave here, Sir, to call the attention of the House to a statement of the right hon. and learned gent.: he says, that the resolutions of the Committee, of the 26th of February, reassert all that had been asserted before, and that they declared themselves to be that very illegal assembly which the government had threatened to disperse. Now, I do beg the right hon. and learned gent. will look at the resolutions themselves, and

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signing and forwarding their petition? Lord Ffrench declared that it was not a Catholic Committee, and said he would shew the magistrates that that meeting could not be the Catholic Committee, and was proceeding to say more, when he was interrupted.

"Mr. O'Gorman asked alderman Darley if he entered that room for the purpose of preventing the Catholic body from signing their petition to parliament, he, Mr. O'Gorman, having come there for that purpose, during his, alderman Darley's absence? Alderman Darley said, certainly not.

"As far as we can recollect, this is a correct statement of the substance of what occurred."

(Signed) Fred. Darley.
Thos. R. Babington.

see whether they bear him out in that proposition; I maintain that they prove the direct contrary: but, it seems, that these friends of the Catholics on the other side of the House will not allow the word of a Catholic to be taken upon any occasion; and the Irish government are termed drivellers and blockheads, because, being gentlemen themselves, they believed the word of a gentleman. Surely, Sir, the right hon. and learned gent. could not have read the resolutions of the 26th of February,* or he would not have made this assertion. The House will do me the honour to recollect my statement of the proceedings of the Committee on the 24th of November, when lord Fingall was in the chair; it was then determined that they were empowered to transact all Catholic affairs. This was precisely the objection of the Irish government. They complained, that the Committee had travelled out of the province for which they were constituted. Now, did the resolutions of the 26th of February last re-assert that proposition? No such thing! The first resolution relates to the publishing my correspondence with lord Ffrench. The second states, "that this Committee has been appointed by an aggregate meeting of the Catholics of Ireland;" to do what? to manage the affairs of the Catholics? No!—"to prepare, and procure to be presented to parliament, on their behalf, petitions for the removal of all such penalties and disabilities as affect those of their persuasion." They then resolve, "That not having received any appointment, except of the nature and for the performance of a single specific object, viz. the preparing the petition to parliament, the Committee confidently felt that it could not, by any forced and oppressive construction, be placed within the meaning of the law called the Convention Act." Now, let me ask, is this the meeting which the Irish government described as coming within the purview of the Convention Act? Sir, if the assembled Catholics were really what they stated themselves to be in their resolutions at this meeting, the Irish government would be the last men in the empire to molest them. The meeting which we said came within the purview of the Convention Act, was one which claimed the sole management of all the affairs of the Catholics of Ireland; and was composed, not only of the members delegated by the aggregate body of the Catholics to frame a petition, but by others elected under writs issued by the persons so delegated.—There was a circumstance which occurred at the subsequent meeting of the 2d inst., rather of a curious nature, and one which I should have thought would have struck the right hon. and learned gent.: one of the most violent of the supporters of the claims of the Catholics, a major Bryan, stated, that it was his intention to have proposed an address to the Regent, praying him to dismiss the Duke of Richmond, but that he had been informed by his friends, that he could not do it in the Committee, which was appointed for a specific purpose; and that he would, therefore, defer his motion until an aggregate meeting should be assembled. Is this a proof that the Committee had re-asserted all that it had asserted before? Is this any thing like the assumption of the sole management of all the affairs of the Catholics, by persons speaking the sense, and declaring the wishes of all the Catholics of Ireland? With regard to major Bryan's bringing forward this motion at an aggregate meeting, I, for one, can have no objection to it: he has a perfect constitutional right to do it if he thinks proper. The Catholic Committee, on the 2d inst.* resolved, that the petition should be engrossed and transmitted to lord Fingal, for the purpose of being handed to lord Donoughmore and Mr. Grattan;—a most happy termination of their labours. They also resolved, that a meeting of the Catholics of Ireland should be held on Friday next, to take into consideration a loyal address to the Regent, and to desire the concurrence of the country in the same; that the arrangements for collecting the signatures to the petition should be made by Mr. Hay; and that the Committee do adjourn to the third Tuesday in April. Before that time the Roman Catholics will, I trust, be fully convinced that the government had no intention of interfering with their right of petitioning.—The right hon. and learned gent. asks, whether it required a spur to goad the irritated feelings of the people of Ireland? Sir, I appeal to his own candour now to say, whether such language can fairly be applied to the conduct of the government? The same candour will, I doubt not, induce him to confess that he laboured, during the whole of his statement, under a complete mistake, in supposing that I was so foolish and so arrogant as to take upon myself to act in such a case without obtaining the best advice. If the distinguished individuals of the government of Ireland had not disdained to reply to the attacks that were made upon them in the papers, and elsewhere, the right hon. and learned gent. would not have remained in such complete ignorance as to the real truth of the case. As it is, a greater instance of secrecy of councils never occurred.—I understand, Sir, that in one of the debates which occurred during my absence, an hon. gent. opposite to me, (Mr. Whitbread) stated, that I had assumed all the powers and authority of the lord lieutenant of Ireland. Sir, I am satisfied the hon. gent. has too much candour and liberality, seriously to bring such a heavy charge against any individual in his absence. The hon. gent. could never mean to hold me out to the House and the public as being so criminally and stupidly arrogant. He never could desire to raise a prejudice against any man in his absence, while he was, in fact, upon his trial; he must have spoken in jest, and I shall take that joke of the hon. gent.'s as I have taken many others from him, in perfect good humour. I own I think the joke was a bad one; and I have only one favour to beg of the hon. gent. that in future when he wishes to be witty at my expence, he will have the goodness not to break his jests upon me till I am in my place ready to receive them. Nothing, Sir, can be further from my intention than to transgress the Orders of the House; but perhaps in the peculiar circumstances under which I stand, I may be allowed to allude to something that fell from a noble lord in another place. That noble lord is reported to have said, that the Irish government had acted the part of incendiaries—that, like incendiaries, they had set fire to the house before they had left it. This is a serious charge against such men as the duke of Richmond and lord Manners (as for me, it is of no consequence), especially when it is considered that the individual by whom it was made, knew nothing of the facts, with the exception, indeed, that he must have known, had he referred to dates, that the Irish government were aware, before they took the step which they have adopted, that the administration would not be changed. Yet this accusation proceeded from a respectable quarter—from a person well known in Ireland—one who no doubt acted with good intentions, although this is not the first time that he had turned out to be completely mistaken. I am induced to notice this circumstance, as, of all the painful events attendant on the late occurrences, no one has been felt more severely by the noble persons in the government of Ireland. They certainly did conceive it to be a most hard and cruel case, to be there condemned without any knowledge of the facts. I hope that what I have stated will prove, that the assertion of the individual to whom I alluded [we presume lord Moira] was ill-founded. Indeed, the hon. and learned gent. opposite has argued on a directly contrary supposition, and a just one, namely, that the Irish government were perfectly apprized of the continuance in power of the present administration, before they issued the circular letter to the magistracy of that country.—I trust, Sir, I have now answered all the charges which the right hon. and learned gent. has preferred against the Irish government; and I will not now occupy any more of the time of the House, except to return my thanks for the indulgence with which I have been heard.

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* "At a Meeting of the General Committee of the Catholics of Ireland, held at No. 4, Capel-street, on Tuesday, the 26th of February, 1811,

"The LORD FFRENCH in the Chair;

"Resolved, That the correspondence between the lord Ffrench and Mr. Secretary Pole be published.

"Resolved, That this Committee has been appointed by an aggregate meeting of the Catholics of Ireland, to prepare and procure, to be presented to parliament, on their behalf, petitions for the removal of all such penalties and disabilities as affect those of their pursuasion.

"Resolved, That having in their endeavours to perform the duty imposed on them, most studiously avoided any infraction on the known laws and constitution of their country, they learned with equal surprise and indignation, that imputations have been cast on certain parts of their proceedings, calculated to render questionable their legality; and in further pursuance thereof, that measures have been resorted to, and threats issued, which if persevered in must utterly destroy a right, one of the dearest to all British subjects, and to the Catholics of Ireland almost the only valuable one they enjoy, the right of Petition.

"Resolved, That not having received any appointment except of the nature and for the performance of a single and specific object, as already stated, it confidently feels that it cannot, by any forced and oppressive construction, be placed within the meaning of the law called the Convention Act.

"Resolved therefore, That this Committee, impressed with a deep sense of the unjustifiable and unmerited degradations and disabilities which affect those of their communion, as well as with a strong feeling of the duty they owe to those who have entrusted said petitions to their management, do now pledge themselves to each other and to their fellow sufferers, unremittingly to persevere in, and never to abate from any constitutional effort, until they shall finally achieve their common freedom; an event which can now alone afford to those attached to their native land, any certain prospect of maintaining, unbroken and invincible, the integrity and independence of the British Islands.

"Resolved, That the foregoing Resolutions be published.

"FFRENCH, Chairman."

"Sir EDWARD BELLEW, bart in the Chair:

"Resolved, That our most particular thanks are justly due and hereby returned to the lord Ffrench, for his dignified, manly, spirited, and constitutional conduct, on this and every other occasion, in the pursuit of Catholic freedom.

"EDWARD HAY, Sec."

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* "At a Meeting of the General Committee of the Catholics of Ireland, held in Dublin, at No. 4, Capel-street, on Saturday, the 2d of March, 1811,

"George Bryan, Esq. in the Chair;

"Resolved, That the Petitions be engrossed, and transmitted to the earl of Fingal, to be by him handed to the earl of Donoughmore and the right hon. Henry Grattan.

"Resolved, That a meeting of the Catholics of Ireland be called at the Farming Repository, in Stephen's-green, on Friday next, at the hour of eleven o'clock in the forenoon, to take into consideration a dutiful and loyal Address to his royal highness the Prince of Wales, and that such meeting do request the Catholics in their respective counties to concur in such Address.

"Resolved, That the arrangement for collecting signatures to the Catholic Petition, be entrusted to our secretary, Mr. Hay.

"Resolved, That this Committee do adjourn to the third Tuesday in April.

"George Bryan, Chairman."

"The Viscount Southwell in the Chair.

"Resolved, That the thanks of this Committee be returned to George Bryan, esq. for his very proper, spirited, and dignified conduct in the chair.

"Edward Hay, Sec."

Mr. *Whitbread* was desirous of taking, with the same good humour in which it had been given, the allusion made to himself. From the advice as to the future, and castigation for the past, with which the right hon. gent. had accompanied his remarks on what he supposed to have fallen from him, he must ask a question of the right hon. gent., namely, whether he received his information from newspaper report, or in a communication from any hon. friend who had been present, and thought that he had used words in the absence of the right hon. gent. which he would not have used had he been present? If the former, he having nothing to do with any newspaper, could not be answerable for what it might state. If the latter, he was not conscious of having said any thing that he would not have stated, had the right hon. gent. been present; and he begged to tell him, that he would not be prevented, in consequence of the absence of the right hon. gent., from making such remarks as he might think necessary upon any measure in which he was concerned. There were always a sufficient number of gentlemen present, connected with the right hon. gent., who could acquaint him with what was said.

Mr. *W. Pole* said, that he had his information from the newspapers. It was so like the manner of the hon. gent. however, that he had supposed it correct. He had alluded to it, however, in perfect good humour, and now believed the hon. gent. had not said it.

Mr. *Whitbread* could not answer for a newspaper statement.

Mr. *Parnell* said, that the motion now before the House being one calling for documents, which it was necessary to be in possession of, in order to form a definitive judgment on the legality and policy of the conduct of the Irish government, he should confine his observations wholly to what had fallen from the right hon. gent. in accusation of the Catholic Committee. With respect to the speeches of the members of the Committee which he had read, the House could not allow them to be considered as evidence to criminate the acts or intentions of the Committee. It was too well known how difficult it was to report with perfect accuracy every thing that passed in debate in the limited columns of a newspaper, to permit the justness of selecting particular expressions to prove guilt against any particular speaker, or the society to which he might belong. It was only by the formal resolutions of the Committee that its true character could be understood ; and it was therefore to these resolutions, which the right hon. gent. had read, that the House could in fairness have reference in forming its opinion. Now what did these resolutions contain of a seditious or criminal nature ? One, the right hon. gent. says, is a resolution appointing a Committee of Grievances. Where did he learn that such a Committee existed ? It is true that a Sub-committee was appointed to draw up a statement of the disabilities to which the Catholic body were subject under the still existing penal laws. But this Committee was not called by those who formed it, a Committee of Grievances; when they learnt it was so described, it is to be seen, that in one of their debates they formally disavowed this title of it. It was, in fact, a title given to it by their enemies ; and it is not easy to understand why the right hon. gent. has thought proper to adopt and repeat that description of it to-night, unless he wished to asperse the General Committee, and to give a character to it in this House of which it was not in any way deserving. Why did the Catholics appoint this Sub-committee ? The answer is, in order to discharge their duty in preparing a full and accurate petition, to be able to tell parliament in a constitutional way, that the assertions so frequently made here, so recently made by an hon. general, that the Catholics experienced no practical disabilities under the existing penal laws, were wholly unfounded; this was the reason on which the Committee had acted, and no man can deny that its proceedings, in this respect, were strictly within the powers conferred on it by the body at large. The next resolution brought forward by the right hon. gent. to prove the illegality of the conduct of the Committee, is that by which a Sub-committee was appointed to inquire into the case of a Catholic soldier. The right hon. gent. has thought proper to state only a part of this case—he has suppressed what was most material of it—he has not told the House the circumstances which led to the punishment of this soldier. The fact is this—this soldier being a private in the county of Dublin Militia, and having refused to attend the Protestant Divine Service, was put into confinement, on which he presented a memorial to his commanding officer, complaining of the illegality of his imprisonment. This memorial being considered to be mutinous, he was brought to trial before a court-martial, and sentenced to receive 500 lashes. This punishment was afterwards commuted for service in the West Indies, and he was actually arrived at the Isle of Wight on his way thither, when Dr. Troy obtained the order for his recal. This case then did fairly come under the consideration of the Committee—they conceived it one which, it appears by their debates, they thought ought to be mentioned in their petition, as a proof of a great grievance—and therefore the right hon. gent. fails in respect to this resolution, as well as to the former, in making out his charge against the Committee. But he says the Committee suffered a long period to elapse, that is, from August, when this case of the soldier was first known, till December, before it took any notice of it—from which he argues, that it was in December it began to assume a factious and seditious character; but in this conclusion he is not borne out—the Committee having delayed to take notice of it, for the purpose of seeing whether the government would interfere, and having finally themselves interfered, only because they found that no redress was to come from the proper quarter. Then the right hon. gent. brings forward a third resolution of the Committee—a resolution giving its thanks to lord Donoughmore. It really cannot be necessary to say any thing to induce the House to see this resolution in a very different light indeed to that in which it has been represented. Lord Donoughmore had conferred signal services on the Catholic body. He had a second time undertaken to present their petition, and it was quite just and natural that such a resolution of thanks should have been passed, to express the high opinion the Catholics entertained respecting him. But after the right hon. gent. had gone through these resolutions, and read so many extracts of speeches, he says the moderation of the lord lieutenant passed all that by. It was not for them that he had recourse to the Convention Act, but because of the system of delegation promulgated in Mr. Hay's letter. This admission of the right hon. gent. narrows the grounds exceedingly on which the conduct of the Catholics and of the Irish government is to be decided upon, and it conveys to the House a pretty clear proof that notwithstanding all the right hon. gent. had said respecting the speeches and resolutions of the Committee, he does not himself consider them as sufficient to justify the Irish government in calling it an unlawful assembly. The House, therefore, have this single point to determine, whether or not Mr. Hay's circular letter did warrant the Irish government in issuing the letter of the right hon. gent.? and this letter must be judged of by its object. In order to bring the Committee under the Convention Act, it must be shewn that they were a delegated body, meeting under the pretence of petitioning Parliament or addressing the King, but really intending sedition and to disturb the public peace. But the right hon. gent. has himself produced proof that Mr. Hay's circular letter had no such intention. He has this night read a part of a speech of a member of the Committee, made when this letter was the subject of debate, in which the member says, that the object of increasing the number of the Committee was to be able to present an Address to the Regent, speaking the opinion and sentiments of the whole Catholic body.—This is the evidence the right hon. gent. himself produces, and surely the House cannot suffer itself to be led into an opinion that the object of the Committee was sedition and disturbance of the public peace, when such direct and conclusive evidence is before it of its true and real purpose. Mr. Parnell said, for his part he believed sincerely that the only motive which influenced the Committee in enlarging its numbers, was that of conveying to the Regent a dutiful and loyal address. He saw nothing in the conduct of the Catholics to induce him to think that they were engaged in any attempt to disturb the public tranquillity. He could easily conceive that many weak persons, who attributed all disturbances in Ireland to innate Catholic treason, might, by confounding together the late proceedings in the south of Ireland, with the bold and spirited exertions of the Catholic Committee, have become afraid of another rebellion. He could conceive that their alarms might be imparted to the Irish government, and in this way, and in this way only, could he account for its rash and impolitic conduct. To believe that a rebellion, as the right hon. gent. has said he believed, would have taken place, if his letter had not been written, was an opinion that no one, having a dispassionate use of his understanding, could for one moment entertain. With respect to what had fallen from the right hon. gent. respecting Mr. Finnerty, he could not understand why his name had been introduced, except to prejudice the proceedings of the Catholics. The speech, however, that that gent. made at the Catholic meeting in November, was by no means deserving the opprobrium which he had cast upon it. Mr. Finnerty, in that speech, had rendered a great benefit to his country, if succeeding in convincing the people of Ireland, that the people of England were their friends and not their enemies, was a beneficial object.—He found a feeling prevailing among the Catholics, that, because of the great enmity of the English people towards them, there was no use of again petitioning parliament.—He told them that they mistook the people of England, that it was only necessary for them to convince them of the justice of their complaints, in order to secure their cordial support; that to petition was the best means of effecting this; and thus he succeeded in persuading them to look for redress in a legal and constitutional manner, and removed from their minds those feelings of despair which could not fail sooner or later of leading them to seek assistance in a quarter sufficiently ready to embark in their cause. Mr. Finnerty had also conferred on his Catholic countrymen another essential service, he had exposed the folly and mischief of their own jealousies and divisions; he had convinced them of the necessity of acting with union among themselves in promoting their great cause; and, said (Mr. Parnell) inasmuch as he was of opinion, that the only way of preserving the British empire from the accumulated dangers that now threatened its destruction, was that of conciliating and uniting the great body of the Catholics in one common exertion against the common enemy; he did think that that man was a good friend to his country, who, by conduct like this, did so much to secure for the Catholics the speedy and effectual redress of all their grievances.

Mr. *Elliot*, alluding to that part of the statement of Mr. Pole which mentioned a threat having been held out by the duke of Bedford's government to the Catholics, of putting in force the Convention Act, stated that the government of that day had no doubt admonished the Catholics to do nothing in contravention of the law; but with respect to any threat as to the Convention Act, not only was that not so, but the thing was never even thought of, or in contemplation. His wish was for information on a subject of such importance, and therefore he must vote for the motion. He was not a person who would countenance an infraction of law, nor did he know that any such existed.

Mr. *Shaw*, of Dublin, said:—Sir; upon a question of this kind, so immediately connected with the city of Dublin, I should feel it difficult to content myself with a silent vote. Differing materially as I do with those gentlemen, with whom I have hitherto been in the habit of acting, I am the more anxious to be distinctly understood.—Whatever necessity the right hon. gent. might suppose to have existed for putting a stop to those meetings, sure I am that the prevalent conviction upon this subject in Ireland was, that of all modes to be adopted for the suppression of those meetings, that selected by the hon. gent. was of all others the most unfortunate, and least likely to attain the object he had in view. It is evident to every man that such a letter should never have been issued, but after the most mature deliberation, and under circumstances of the most pressing necessity. And when we consider that many of the gentlemen who attend and compose those meetings, are gentlemen dignified by birth, by fortune, and highly elevated in society for character and reputation, a communication should have been made to them by government, in a manner very different, and less likely to widen that breach which so unhappily exists in our country. But what have been the circumstances? After having been hastily resolved, it is as timidly abandoned. Is this a line of conduct likely to raise the character of the Irish government in the eyes of the Irish people? We find the magistrates, after going to act on it, enter into a long altercation, and many messages pass backward and forward from the castle, which ends in a paper war between the parties—and the only result from it is, that the unfortunate Circular Letter has gone out into the country as a firebrand, and a rallying point for all the disaffected, and remains a lasting monument of the rashness and imbecility of the Irish government. I shall certainly support the present motion.

Sir *Hugh Montgomery* said, he differed intirely from the last speaker, and saw no reason for changing the opinion he had recently expressed upon a former occasion.

Mr. *Tighe* asked what were the instances selected by the right hon. Secretary, in proof of the proceedings resorted to by the Committee being subversive of the Irish government? They voted thanks to lord Donoughmore: Was this the first act subversive of the Irish government? They next take notice of a poor soldier, degraded and punished because he would not march to a church, where he was to hear a doctrine of which he did not approve. Was this subversive of the Irish government? No; but the principles which produced this conduct toward the soldier in question might, and in all probability would, lead to the subversion of the Irish government. Then they take notice of a letter of Dr. Troy, with respect to the Foundling Hospital. But were there any other overt acts of treason? Yes; they appointed a Committee to state what were the disabilities of which they complained, and this the right hon. gent. nick-named a Committee of Grievances; and their numbers being reduced to 36, they wished to increase the number. Another act, subversive of the government of Ireland, was an intimation of an Address to the Regent. If all of these acts were known, why was not the pleasure of the Regent taken upon them? Did the government believe his Royal Highness would not sanction them? Or was it meant to throw a stigma upon his government, or rather upon his character? If the latter, never was a more unsuccessful attempt, for never did his name stand so high, in love, favour, and affection, in Ireland, as it did since the steps which had followed the issuing of the letter in question, by which the right hon. gent. would have shewn his tender mercy, by imprisoning one half of the population of Ireland. The conduct of the Catholics, however, had united all the Protestants in one, teaching them to regard the acceding to the Catholic claims as the only security for the safety of the country.

Sir *T. Turton* stated, that in his opinion

Catholic emancipation would not produce all those beneficial effects which were anticipated; and that a solid improvement of the interests of Ireland must be sought for in a series of wise and conciliatory measures. Although not satisfied entirely with the letter of the Irish government, yet he thought the explanation which had been given rendered further information unnecessary.

Mr *Ponsonby* said, Sir; In rising to claim the indulgence of the House in making my reply, I cannot help taking notice, in the first place, of the observations of the hon. baronet who has just sat down. I am sure that he has only stated his real sentiments on the subject, and that those sentiments are always entitled to consideration and respect. But when he states that in his opinion the measure of Catholic emancipation would not yield satisfaction to the people of Ireland, it ought not to be forgotten that this was the mere opinion of an individual in opposition to the plain declarations, the known sentiments, and the expressed wishes, of the sufferers themselves. Surely the hon. baronet will not be disposed to assume that he is better informed of the feelings and temper of the Irish Catholics than the Catholics themselves, who have so long and so vainly supplicated for this boon of emancipation. He can scarcely affect to know what will conciliate the complainants better than themselves. The hon. baronet remarked likewise that emancipation would be useless, unless accompanied by other measures. Upon what principle of justice, I will ask him, or by what rule of reasoning, can he determine to refuse the Catholics one concession, only because he cannot at the same time yield them others? Why would he, because he cannot bestow on them what they do not ask, withhold that for which they have so frequently petitioned? An hon. member delivered a panegyric upon the indulgence and lenity which had uniformly characterised the duke of Richmond's government. Sir, I shall be the last man in any place, or on any occasion, whatever may be my political enmities, to impute to any man misconduct, where there is not evidence of his culpability. In the panegyric, therefore, on his grace the lord lieutenant, I am fully inclined to concur, as far as it may be understood to imply that good humour and benevolent intention by which I believe him to have been actuated. But this is not the question now before the House, and has no connection with the distinct consideration of the merits and demerits of a proceeding so contrary to the general character of the Irish government, and so opposite to the qualities that formed the ground of the panegyrics which we have heard. The right hon. Secretary has accused the Catholic Committee of departing from their former views, and of adopting principles different from those which they originally assembled to promote. But he has been utterly unable to name the period at which this alteration commenced, or the time their new purposes have been entertained. All is conjecture—vague and unsupported statement. In proof, however, of his assertion, the right hon. gent. has told us that some violent speeches were made at the meetings of the Committee. Are we then, because some individual, perhaps more warmly than is prudent, inveighs against the authors of a particular grievance, to condemn to silence all those who may assemble to take it into quiet consideration? Is the indiscretion of one man to involve in its consequences the interest of thousands? What should we think of his candour who, because he had heard a talkative, impertinent person engross to himself the privilege of speaking, should set down all the rest of the company to be fools? Among the speeches alluded to by the right hon. gent. is that of Mr. Finnerty, who is now confined in Lincoln gaol for a libel on lord Castlereagh. I certainly cannot claim any acquaintance with Mr. Finnerty, and it strikes me very forcibly that the introduction of that gentleman's name on this occasion was an expedient of the right hon. gent., intended to serve a special purpose. Now, Sir, as to the speech itself of Mr. Finnerty, I cannot, I confess, see any thing in it which is not equally creditable to himself and to the Committee, to whom it was addressed. For what is its drift and argument? He, an Irishman, lately arrived from England, finds the Irish Catholics in a state of discontent and irritation, ascribing their grievances to English connection, and he tells them that they are deceived; that the English people are not deaf to their complaints; that they are not insensible of their sufferings and their wrongs; but that these ought to be attributed to the government of England, and to the government alone. He exhorts them not to despair, not to desert their appeal to parliament, and urges them to a steady and unremitting perseverance in the course on which they had already entered. These prudent and well-timed suggestions were prudently adopted by the Committee, and although it is certainly very natural that ministers should think them very reprehensible, it would be strange if this House should consign them to condemnation. But, it seems, that other speeches were made, aye, and of still greater violence—speeches of such terrible and alarming import, that the right hon. gent. is positively afraid of reading an extract to the House, although these same speeches have been already published in every newspaper. "While all this was going on," says he, "we forbore still, although we had secret information of it." Secret information of it! Incomparable lenity! Admirable secresy! "We were watching their meetings—we knew in our secret council all their operations—our spies were at work—we received accurate intelligence respecting every speech or motion that was made." Indeed! O statesman-like caution! O wise and provident counsellors! You did, then, succeed, by these mysterious channels, in making yourselves acquainted with what was known to every individual in Dublin, and regularly published in the newspapers of the day! (A laugh, and cries of hear! hear!)—You became fully apprised, on the 10th of February, of Mr. Hay's Circular Letter issued on the 1st of January, and of the Resolutions passed at the Catholic meeting on the 19th of the same month.—(Here Mr. Ponsonby read a Report of the Proceedings of the Committee on the 19th.) Then observe the great utility of this secret information. The letter of the right hon. gent. is prepared, with the advice of the lord chancellor and the attorney general. Why then not let the people know that these great law authorities had sanctioned it? why keep them in the dark as to the source from which a measure of such severity had emanated? With all the respect which I feel for lord Manners, if he was the author of that letter, I will condemn it and pronounce it to be unwarranted by law. Omitting my first objection to it, I contend, that the part referring to attendance at Catholic meetings, to be directly contrary to the law. The right hon. gent. says "who ever heard of a proclamation in such a case, to enforce an act of the legislature." It would have been well if on this point he had consulted his legal friends too, and he would then have found, that on the execution of any law, the object of which is to prevent popular insurrection, the government has uniformly given notice by proclamation of their intention. The Committee has been accused this night of a design to constitute itself a permanent assembly. Sir, it is most satisfactory to me, and I am sure it must be satisfactory to the country to learn that in defence of the rigorous edict of the Irish government, nothing more has been alledged against the Catholic meetting than that they had appointed a Committee of Grievances. I was afraid that, goaded by continued disappointment, and tired of unavailing supplication, they had been instigated to steps fatal to their cause, and deserving of the restraint and chastisement of government. Happy am I to find myself so utterly mistaken. The right hon. gent. tells us that, notwithstanding the retrospective operation of the Convention Act, implied by the letter of his mandate, that operation was not intended by the Irish government to be enforced. We are now informed of this for the first time; it was therefore, I presume, another part of that notable secresy for which the right hon. gent. has taken so much credit to himself. But why was it necessary, to make these superfluous threats? He now says, he is sorry that many persons should have taken this measure in such bad part, or that they should feel any soreness on such an occasion. But if he was really anxious to preserve harmony in the country, why did he not, before he thundered his anathema, send for some of the gentlemen of the Committee, and warn them of the determination of government? Was it incumbent on him to contradict himself, and do acts only to reverse them? Was it necessary for him to make a practical bull, in order to prove himself a good Irishman? I should have thought some previous intimation, at least some amicable expostulation, to be a judicious preface to such a letter as that of the right hon. gent. An allusion has been made to a supposed transaction when I was Chancellor in Ireland, and it has been said that there are rumours that it was the intention of the Irish government at that time to have enforced the provisions of the Convention Act. I must distinctly say, that while I held that office, I saw no manifestation whatever of any disposition which could render such a step necessary? I did indeed admonish the Committee to exercise the utmost discretion. I entreated them not to throw away advantages, or put themselves in the power of their enemies. I told them that no harsh or compulsive measures were contemplated, but that, if called on, government would do its duty. I did at the same time dissuade them from preferring their Petition, because it could not then have been successful, but would probably ruin the administration.—(Hear, hear!) I knew that it would furnish a pretext to those who were lying in wait for it, to raise a cry that should have the effect of overturning the ministry of that day. (Hear, hear!) Let the right hon. gent. inquire into the circumstances of this statement, and discover whether it be correct. I thought then, and I think still, that the Catholics, if well-advised, and pursuing temperate measures with firmness and perseverance, must ultimately succeed.—Having, Sir, said thus much, I shall now conclude, by reminding the right hon. gentlemen opposite, that if they are confident in the justice of their case, they cannot refuse further information to the House, since in that case, the necessary effect of such information will be to establish at once their own triumph and our overthrow.

The House then divided, when the numbers were,

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Majority..........................	85

HOUSE OF COMMONS.

Friday, March 8.

DISTILLERIES.] The *Chancellor of the Exchequer* moved the order of the day for going into a Committee on the Acts respecting the Distilleries of Great Britain. In the Committee: the right hon. gentleman observed, that having the other day explained, as he trusted, to the satisfaction of the House, the principles upon which he was desirous of placing the duties derived to the revenue from the distillation of spirits from grain or sugar, he should now state the reasons which induced him to bring under the consideration of parliament an attempt to equalise the competition in bringing to market either of those commodities. It appeared to him, that, in attempting to introduce the measure which he was about to notice, he should afford equal inducement to the manufacturers of both articles to bring them to market. The measure would not be of long continuance, though he entertained a hope that it might be permanent. At present, however, it was not his intention that the extension of the time of its operation should be beyond the period of two years. The right hon. gentleman then stated, that former Acts on this subject had in their provisions given to one species of commodity a decided preference over the other, so that the distiller was induced to select that for his use which would afford him the most decided profit. By the operation of the present measure that preference would be avoided, and to shew that the competition and equalization would be fair, he entered into a minute detail of the duties arising from the distilleries, and, upon a comparison with the distillation from sugar and from grain, he was convinced that the consumer would have the article distilled at the same price. In the event of the distillation going on from grain, there would be no more increase of duty to the revenue than at present from the use of sugar, before the suspension of the distillation from the former article was put in force. The considerations, therefore, for the House to attend to were, whether the price of the article sold would, in consequence of the proposed competition, be so high as to endanger the revenue; and of this the House had the experience of last year to the contrary. The next consideration was, whether the rates of duty were such as would bring fairly into the market the two articles of competition, so that both might be kept at a price sufficiently high to remunerate the grower. This was the principle of the measure. The duties on grain were at the time of the suspension 2,061,817*l.* and now they are upwards of 380,000*l.* more. So that the increase had been very great since the suspension. The right hon. gentleman declared, that a strong inducement in his mind for bringing the measure forward, was, that there would be no increase to the consumer in the price. He then moved a resolution, "That the present duties on the distillation of spirits from wash do cease and determine," &c.

Mr. *Curwen* objected to the measure, as not giving a monopoly to the barley growers, and he was convinced of the utter impossibility of equalizing the scale. The price of barley, when the Committee first inquired into the subject, was at 56, it then lowered to 54, was afterwards at 48, and at the present moment the greatest selling price in Norfolk, where the best barley is grown, was 28*s.* The advantage of sugar over barley was very considerable; for no price could induce, in his opinion, the distiller to use barley, sugar being more agreeable to the taste of the public. He deprecated the idea of giving preference to the colonists, rather than to the agricultural interest, and contended, that the effect of the measure would be to decrease the growth of barley; he therefore conjured the right hon. gentleman to consider the consequences.

Mr. *Rose* contended that the contrary would be the effect of the measure from what the hon. gentleman seemed to apprehend. It would not give a monopoly to sugar, but would produce a fair competition in the market, and would induce the distillers to go to work immediately on barley in preference to sugar. With respect to the agricultural interest, he denied that on all occasions, their interest had not been attended to.

Mr. *C. Ellis* considered that the powers of the two articles were not placed upon a footing of equality, as the price taken by the right hon. gentleman for barley, was about the price which would afford remuneration to the grower, so in the article of sugar. The West India interests, he observed, never had preponderated over those of any other class of men in the country.

Sir *J. Sebright* thought it his duty, in times like the present, to oppose any proposition that appeared calculated to diminish the cultivation of grain.

Mr. *Burroughs* defended the late Committee on the state of the West India merchants, from the imputations which had been cast on them. In the manifold distresses of the country, beginning with the colonies and now extending to the manufacturers, the landed interest had not participated. Those who were interested in the colonies, had been wrongfully accused of wishing to indemnify themselves at the expence of the landed interest. All they wanted was to have the preference given to British over foreign produce, that their sugar should be purchased rather than French grain. Although he might have preferred a measure in somewhat a different shape, he warmly supported the proposition of the right hon. gentleman.

Sir *J. Sebright* explained and defended those individuals to whom were unjustly imputed sinister designs in the monopoly of corn. He was persuaded that no such monopoly could exist.

Mr. *Curwen* explained, and disclaimed all intention of throwing out any insinuations against the West India gentlemen.

Mr. *D. Giddy* was averse to any measure by which the cultivation of grain would be discouraged in this country, as calculated to put us in the power of our continental enemy. The most efficacious mode of avoiding this was to permit the free distillation of spirits from grain, unfettered by any competition whatever. He stated the many advantages direct and collateral which the growing of barley occasioned.

Mr. *Foster* warmly supported the proposition of his right hon. friend, which would give to the barley grower the great advantage of being secure from temporary prohibitions from distillation.

Mr. *Hibbert* followed on the same side, contending, that the late prices of grain were not such as to justify any complaint from the cultivators. There were but few foreign sources of commerce open at the present moment to the country, and it was desirable that they should not be diminished in number.

Mr. *Adam* was anxious that a minute inquiry should be instituted into the merits of this most important question. He trusted that instead of a strife between interests as opposed to each other, the strife would be for the interest of all. He confessed, that as far as he was able to form an opinion on this subject, which had baffled so many individuals experienced in political economy, he was inclined to doubt the validity of the arguments which had been urged in support of the proposition. Investigation and not action was the duty of the House in this business.

Sir *J. Sinclair* thought the Commissioners of Excise might with great propriety be desired to make experiments for a single year, for the purpose of exactly ascertaining the relation between sugar and grain.

Mr. *Marryatt* objected to the resolution as doing that on a mere speculation which ought to be done only after a mature inquiry. He stated, at length, the grievances of which the West India planter had to complain.

Sir *J. Newport* thought if the measure proposed were to be followed up by further proceedings to render its effects permanent, it would be an infraction of the Union. If, however, it were not to be so followed up, he should then be disposed to consider it on its own merits, and vote accordingly.

Mr. *W. Smith* was of opinion, the subject should be referred to a select committee.

The *Chancellor of the Exchequer* replied to the arguments of the several speakers. He saw no reasons for thinking his plan such as ought not to be adopted, from the reception it had experienced. The gentlemen in the landed interest did not think it sufficiently favourable to them; the West India merchants thought it was not so good a thing as the monopoly they had enjoyed; and the distillers thought the scale of duties not exactly what they ought to have been. Now when it was found that none of the parties most concerned were much pleased with the plan, he thought it seemed as if their several claims had been equally balanced, and the interests of all pretty well weighed. From this circumstance he thought, and he trusted the House would think, there was no sufficient reason for rejecting the proposition. The appointment of a select committee, which had been recommended by some hon. gent. would, he thought, only occasion unnecessary delay, as the difference between the Scots and Irish Distilleries could only be removed by an exercise of those powers which, though formidable, were occasionally to be exerted by parliament.

The House divided, when the numbers were—

For the motion	70
Against it	21
Majority	—49

Army Estimates.] The order of the day for taking into consideration the report of the Committee of Supply being read,

Sir *T. Turton* thought no duty more sacred than that of a member of parliament to look into the manner in which the public money was to be applied. He objected to the magnitude of the army establishment, as being disproportionately great. When he looked at the population of this country, which no one, however disposed to swell it, stated to amount to more than 16 or 17,000,000, a regular army of 371,000 men was more than we could bear. When to these were added, the amount of the Militia, which was stated at 84,000 men, the Local Militia, which was not to be reckoned at less than 200,000, and added to the whole the total of those employed in the navy, &c. it appeared, that we had 900,000 men in arms—nearly a third of all the adults under 40 years. After all, it was impossible for us to contend on the continent with an enemy whose population was estimated at from 60 to 100,000,000; he therefore was of opinion that the military force of the country ought to be reduced to a level with its physical strength.

Sir *J. Pulteney* was averse to a reduction of the military establishment, as we had at present no more soldiers than were necessary to maintain the honour of the country, and bring the war to a happy termination. The arrangements of the noble Secretary at War met generally with his approbation. Adverting to what had been said of the Local Militia, he took occasion to speak of the great advantages derived to that force, from having non-commissioned officers attached to it. With them the Local Militia was every thing, without them nothing.

Mr. *Giles* objected to the plan of the noble lord for supplying the casualties. He proposed to fill up the regular army with 10,000 men taken annually from the militia. This was the worst way he could take of supplying the army. The hon. gent. then took a view of the several Militia Acts, from which he inferred that the regular quota of the Militia was 70,000 men, and that the 14,000 over that number were in fact but supernumeraries. There could be no objection to the noble lord's filling up the regulars with these 14,000 men, if he wanted them; but to take 10,000 annually from the Militia, would be to take from it a part of its regular quota. How were these to be again supplied? He thought the mode by ballot pressed very heavy upon the country. The ballot ought, in his opinion, to be done away altogether, and the army might then be recruited at less expence.

Col. *Wood* differed from the hon. gent. (Mr. Giles) on some points, but agreed with him in thinking the recruiting system preferable to the ballot.

After some further observations from Mr. Ryder, general Tarleton, Mr. Long, Mr. Calcraft, and Mr. Whitbread, lord Palmerstone replied, and the Resolutions were agreed to.

HOUSE OF COMMONS.

Monday, March 11.

Shoreham Road Bill.] Sir *E. Knatchbull* moved the second reading of this Bill.

Colonel *Duckett* moved as an amendment, that it be read this day six months.

Sir *E. Knatchbull* spoke in support of the

Bill; and said, that the hon gent. who had just spoken, seemed, by the arguments he had used, to know nothing at all about it; and the hon. bart. opposite (sir Walter Stirling) and his friends ought of all others to wish most that the House should go into a Committee upon this Bill, which went to repeal the former one of last session.

Mr. *Swan* spoke in support of the former, and in opposition to the present Bill.

Mr. *Calcraft* stated several circumstances relative to the individuals who had promoted and opposed this Bill; and thought the best way to investigate the real facts of the case would be to go into a Committee, where they could be minutely urged.

Sir *Walter Stirling* vindicated himself from some insinuations thrown out against his conduct in regard to this Bill; and said, that he had been at first requested to bring it forward in parliament, but had declined doing so, merely on account of his being unacquainted with such business.

Mr. *James Graham* defended the conduct of the hon. bart. and was not inclined to vote for the repeal of the former Bill.

Mr. *John Smith* said he should oppose the committal of this Bill, as it went to repeal a former one, which had been found to be a great and serious convenience.

Mr. *Calcraft* added, that all the gentlemen in the county of Kent, both landholders and occupiers, thought that the road in question was unnecessary.

Mr. *Peter Moore* spoke in favour of the conduct of the hon. bart. in regard to the former Bill, which he thought was a good one, and, without further grounds, ought not to be repealed.

Sir *F. Burdett* thought that the question had not been put upon its proper ground, for that justice demanded they should go into a Committee upon this Bill, in order to ascertain, as had been alleged, whether the former one had been obtained surreptitiously or not.

A division then took place, when there appeared,

For the Bill	90
Against it	41
Majority in favour of it	—49

The Bill was then read a second time, and ordered to be committed.

Commercial Credit.] The order of the day having been read, the House resolved itself into a Committee, to consider of the state of Commercial Credit. [See the Report, p. 249.]

The *Chancellor of the Exchequer* rose and said, that in submitting to the consideration of the Committee of the whole House the result of the inquiries of the Select Committee, appointed to investigate the present state of commercial credit, and in avowing the intention of proposing to the Committee to adopt the measure recommended by the Select Committee, he thought it necessary to state, that he had made up his mind to express his opinion with great reluctance, and not till after very serious consideration. He admitted that parliament was not bound, nay he contended that parliament ought not to be called upon to interfere for the purpose of providing against any misfortunes to which incautious adventurers might have exposed themselves; because he conceived that, reasoning on general principles, such an unqualified interference would have a tendency, by relieving the apprehensions of individuals with respect to the result of commercial speculations in which they might have engaged, to diminish the caution so necessary on these subjects, and which was the best check to rash and ill-advised adventures. But while he stated this as a general principle, he yet apprehended that there might be many great exceptions to the rule; and that the question must always be as to the merits of the particular case. Of this he was at least persuaded, that those hon. gentlemen who agreed with him, that a similar interference of parliament in 1793 was wise and necessary, could not now broadly deny *in toto* the expediency of such an inference. They might argue that the interference, though expedient and proper in 1790, was not fitting at present. But they could not assert that all interference was improper at any time. The question, he repeated, must depend upon the circumstances of the particular case; and in this view he conceived that the report of the Select Committee afforded sufficient grounds for the motion with which he should conclude.

The consideration of this important subject, he observed, divided itself into three heads:—First, the nature and extent of the evils which the manufactures and commerce of the country were enduring;—Secondly, what were the causes of those evils;—And thirdly, the measures by which the evils might with the greatest probability be removed.—With respect to the first of these considerations, he apprehended there could be no difference of opinion whatever, but that the nature and extent of the distress, described in the report of the Select Committee, rendered it advisable that parliament should, if possible, adopt some measure by which that evil might at least be diminished. It appeared distinctly by the report, that the distress, originating with the merchant, and disabling him from paying the manufacturer, was felt most severely by the manufacturer, and those employed by him. All the principal manufacturers had been compelled to contract, and some wholly to suspend their works. It appeared by the report, that there was scarcely a cotton manufacturer in the kingdom who had not diminished, by one half, the number of persons employed in his mills; and that many of the smaller manufacturers had discharged their people altogether. It appeared also, that those who were retained by the first description of manufacturers, were retained at a reduced rate of wages. The consequences must necessarily be, as they were represented to be in the report of the Select Committee, that the most calamitous distress prevailed throughout many of the manufacturing districts. The report also stated, that the merchants who traded with the Western world not being able to find an adequate market for their produce, this circumstance aggravated the distress of the manufacturers; and the whole operating upon the other branches of trade, although not immediately connected with those to which he had referred, produced a general want of confidence, and suspension of credit, which required the prompt and effectual application of some adequate remedy.

Thus much he felt it necessary to premise as to the extent of the evil. With respect to the second consideration, namely, the causes that produced it, it appeared pretty plainly that the whole had originated from over-extensive speculation to the ports of South America. These speculations in the export of merchandise failed in meeting a ready market; and in many cases the commodities brought back in exchange could not be disposed of, owing to the market being overstocked at home. Such were the causes of the evil. It came next then to be considered whether the distress was of such an extent, and was attributable to such causes, as to make it wise and prudent for parliament to afford assistance. It might be observed generally upon this 12,835,803*l.*; in the year ending the 5th part of the question, that the origin of the existing distresses—over-speculation, was not a good ground for such a measure. He would not dwell minutely on the demerit of that rash and inconsiderate conduct which had precipitated those who pursued it into misfortune; but gentlemen would bear in mind that on the opening of the South American markets in the Brazils and elsewhere, to the adventures of British merchants, it could scarcely be with any justice complained of that they did not in the first instance foresee the exact result of their too extensive speculations. But whatever might be the merit or demerit of those individuals, the consequences of their conduct had been severely felt by them. Parliament, even if disposed to be vindictive, could not abstain from granting relief to those persons, on the supposition that they had not suffered sufficiently for their errors. But it was not to them that the proposed relief would extend. "They," to use the words of one of the witnesses, whose evidence was contained in the report of the Select Committee, "had gone to bankruptcy long ago." It was to the evil endured by those upon whom the conduct of the original speculators operated, that the Select Committee recommended the application of a remedy.

It now, therefore, only remained for him to consider, thirdly, whether the measure suggested in the report was calculated to remedy the existing and acknowledged evil. And he had no difficulty in admitting that there were many circumstances which marked a considerable difference between the present case and that of 1793. In 1793, the continental markets were not wholly shut; they were only interrupted. The stagnation of trade was then purely temporary. Credit had, at that period, received a check, but it was a check which a little time would restore. At present the markets from which relief might be derived were twofold: South America for the disposal of our manufactures, and the European market for that of our foreign produce. The markets in the Western world had been stopped by a glut. A glut, however, was but a temporary suspension of demand. There was no difficulty in the access to those markets; the only difficulty was in finding purchasers for the British manufactures exported thither; and he trusted that at no very distant period this difficulty would be removed. With respect to the markets of Europe, they were at the present moment closed against us by edicts of the greatest rigour. But experience had universally shewn that, after the adoption of commercial restrictions of great rigour, although they may be severely felt for a time, yet a practical relaxation soon ensued. For his own part, he had no doubt that the ingenuity and exertions of the merchants, and the wants of the consumers, would ultimately find means to obviate, in a great degree, the difficulties and disadvantages at present existing. Therefore, although the present case was not exactly parallel to that of 1793, yet no man could say that there was not a prospect, that, in twelve months at least, commerce might experience some advantageous change.

Yet even were this change but barely possible, instead of being probable, in his opinion the measure proposed by the Select Committee ought to be adopted. Parliament ought at least to make the attempt to relieve the distress. No one could say that the attempt may not be completely successful. The worst that could happen was, that it would leave the commerce of the country, at the expiration of the twelvemonth, in no better a state than that in which it was at present. He contended, therefore, that as it could not make the state of commerce worse, but might make it much better, Parliament were bound to try the measure recommended to them. To meliorate the state of commerce, if not wholly to restore it, would be an advantage. The increasing consumption of the domestic markets, the opening of the markets of the Western world, would afford some relief; and when to this was added that further opening which might result from the chances of war, the whole afforded, in his opinion, a sufficient justification of the proposed effort. The justice of this reasoning would be confirmed by a consideration of the nature of the existing grievances, as particularly connected with the cotton manufacture. The rapid growth of this manufacture, up to the period when the distress began to be strongly felt, was really extraordinary. It appeared by the report of the Committee, that the official value of cotton manufactures exported from Great Britain, in the year ending the 5th of January, 1808, was 9,846,889*l.*; in the year ending the 5th of January, 1809, of January, 1810, 18,616,723*l.*; and in the three quarters ending the 10th of October, 1810, 13,761,136*l.* It thus appeared that the exports were doubled in two years, and that the trade was suddenly checked when at its very acme. The immediate revulsion which such a check would occasion, must necessarily be felt with the greatest severity. If time then were allowed the merchants and manufacturers to bring themselves round, the evil would be materially diminished. It was to this object that the proposed measure was directed. It went to give the merchants and traders an opportunity of applying to other resources, and to spread over a larger period of time that pressure of distress, which, if confined to a single moment, must overwhelm those who were its victims.

He had now, in his apprehension, said enough to satisfy the Committee that although the present case differed in some respects from that of 1793, there was a sufficient resemblance to warrant him in recommending the adoption of a proposition at the present period similar to that adopted in 1793. In doing this, however, regard must be had to the circumstance, that the extent of the trade on which the present distress operated was much greater than in 1793. If the Committee, therefore, desired to make the measure effectual, if they wished not to starve it by a stinted vote, they would agree to the recommendation of the Select Committee, that the relief afforded should be six millions, instead of five. The Commissioners appointed in 1793, although empowered to grant relief to the extent of five millions, did not actually issue more than two millions two hundred thousand pounds. On a similar principle, he should propose to empower the Commissioners in the present instance, to grant relief to the extent of six millions, not with the supposition that that sum would be required, but that relief being open to such an extent, the credit of those who were suffering might be sustained without, and themselves rendered able to go on with much less perhaps than would otherwise be necessary. The regulations and restrictions which accompanied the measure of 1793, were those which he should propose to the House for adoption at present; with this exception, that, from the nature of the case, he would recommend the periods of repayment should be placed at a greater distance of time from each other. The regulation which he should introduce into the Bill (should the House allow him to bring it in) would be, to make the first quarter's instalment payable about the middle of January, and the remaining instalments payable three months after each other, until the whole should be repaid, thus following the mode recommended in the Report. It did not appear to him necessary to intrude further on the Committee than by moving, "That it is the opinion of this Committee, that his Majesty be enabled to direct Exchequer Bills, to the amount of six millions, to be issued to Commissioners, to be by them advanced, under certain regulations and restrictions, for the assistance and accommodation of such persons as shall be desirous of receiving the same, on due security being given for the re-payment of the sums so advanced within a time to be limited."

Mr. *Ponsonby* then rose and said, that, in the observations which he felt it his duty to make upon the statement of the right hon. gent., he wished to be understood as having no intention so to oppose the motion with which he had concluded, as to press the question to a division by taking the sense of the House upon it. The right hon. gent. himself had, he observed, admitted that the circumstances of the present period were not similar to those which characterised the distresses felt by the commercial world in the year 1793. In his opinion there was no similarity whatever between them. In the former period the continent of Europe, instead of being hostile to us, was, with the exception of France, not only friendly, but the greater part of it was in alliance with us, and France not only wanted the influence she now possessed and exercised over the surrounding nations, but she was unable to prevent their armies taking the field against her interests. At present, on the contrary, so far from the nations of the continent being friendly, we were altogether shut out from every amicable communication—from all commercial intercourse. The right hon. gent. had said, those who had entered into the early and largest speculations with respect to South America, had been punished for their rashness by bankruptcy, and that those now to be relieved were the victims of those speculations, and not the partners in the crime. For his part, he thought (whatever blame might be attempted to be thrown on those who had been most venturesome) that the origin of the evil might be traced to the exaggerations, the falsehoods, and the misrepresentations which had been heard in that House. South America had been spoken of by the right hon. gent. and his friends as affording a market that would take all our merchandize, and that he looked upon as the great cause of the recent failures, and of the evils of which the mercantile world at present complained. The right hon. gent. had said the present state of things was to be considered as but temporary, though it might be of longer duration than the stagnation felt in 1793; and under these circumstances, he thought the same measure ought to be resorted to as had been adopted on that occasion. He could not agree with this. Was the market of South America glutted at present? Had that country at present more of our merchandize than was sufficient for the consumption of one year? If that were the case, the British manufacturers must stand still till the stock shall be consumed. He could not tell to what amount that country might be stocked with the produce of our industry, but when 6,000,000*l.* were thus called for, he thought they had a right to conclude that things were in such a situation, that without such assistance they could not right themselves in less than one, two, or perhaps three years. The right hon. gent. had talked of the great increase of the trade of the country, but upon this point he appeared to labour under a mistake. Exports were not trade; but he had spoken of them as if their amount was a sufficient proof of the flourishing state of our commerce. If we made extra exports, we ought to have returns; and if, instead of this, what we sent out lay locked up in South America for two or three years, it was not thence to be inferred, that because our exports were large, our trade must be great. If men of adventurous and speculating dispositions were to carry their exports to an extreme, were the rest of the community to be called on to enable such men to persevere in their speculations, in fact, to enable them to give further credit until at length their returns may be received? This was a species of relief which he, for one, could never consent to afford to those who had brought their distresses upon themselves by improvident speculations.

The right hon. gent. had ascribed the present stagnation of trade and the distresses of the mercantile body to the state of the markets of South America principally. In this, however, he could not concur. The state of the European markets, on the contrary, appeared to him to be more immediately the operating cause, and what prospect of a change in them within any reasonable time could the right hon. gent. now hold out? It had been said, that after a glut a brisk demand was to be expected, and a stagnation of trade was usually succeeded by a most advantageous change. He was aware that it had been so hitherto, but it had been so from events which were not such as were likely to occur again. The last time the French seriously directed their attention to the annihilation of our trade, they had been called from the borders of the ocean by the Austrian war. The Spanish contest had made a new diversion in favour of our commerce, but what prospect was there that such events would again take place? They had formerly been told by the right hon. gent. that the edicts of France had shut the markets of the continent against us, but that he (the Chancellor of the Exchequer) had found out an instrument which would soon open them again, and restore the trade of the nation. He then brought forward his Orders of Council, which had been sanctioned by Parliament. He would now ask the right hon. gent. if they had produced that effect, or if there were any probability of their accomplishing, within a short time, the object he had had in view? From the present restricted state of our intercourse, our colonies were rather burdensome than profitable, as their produce was locked up here, in consequence of our being unable to find a market for it on the continent. For the same reason, the conquest of the enemies colonies tended to increase the distress, because while France had colonies, she did not interdict colonial produce altogether, and much English colonial produce found its way to the continent with the produce of the French islands. From the moment France lost all her West Indian possessions, she could have no interest in allowing of such importations, and they were in consequence more strictly excluded than before.

It had been urged by the right hon. gent. in support of the measure he recommended, that, as it could do no mischief, it was worth a trial; and that if no harm was to be apprehended, whilst much good might follow from its operation, it was the duty of Parliament to adopt it. But for his own part, he could not consider the experiment so perfectly harmless, or the measure so obviously safe. He thought it might possibly do good, and he wished it might; but it appeared to him impossible to return to that state from which they had been unfortunately led by their folly, in a way so very easy and free from danger. That spirit of enterprize which had led to such fatal consequences ought to be discouraged, that something like a stop should be put to such wild and unprofitable speculations. The right hon. gent. had told them that the money to be advanced would not in all probability be lost to the public. He did him (the Chancellor of the Exchequer) the justice to believe he would endeavour to name such Commissioners on the occasion as would do their duty, and look well to the application of the money; but when the House were called upon for 6,000,000*l.* in Exchequer bills, just after they had funded 12,000,000*l.* and when they reflected that all the circulating medium at present in the country was paper, it was their duty to consider how far they ought to countenance such extensive issues of paper money. He thought it was their first duty to narrow, as far as might be, the circulation of paper. Whether or not they had now reached that period at which it would be proper to put an end to it altogether, and restore the proper circulating medium, was a question on which he would not venture to decide, but he thought they ought to do something towards putting a stop to the extension, at least, of the paper circulation. It was a painful task to refuse solicited relief to sufferers, who suffered not for their own misconduct, but for the imprudence of others.—Feeling this, he would not take the sense of the House on the subject, but having made these few observations which he had thought it his duty to make, he should abstain from further opposition to the measure proposed. Doing this, he might not act strictly up to his duty, as he thought the principle of a tendency rather to do harm than good; but under such circumstances as the present, he had not resolution enough to oppose that which afforded any thing like a chance of alleviating the distress of those who claimed their assistance.

Mr. *Huskisson* said, it was not his intention, in what he should say, to question either the amount of the sum proposed by the Report of the Committee, or the extent of the hardship under which the manufacturer laboured. He begged it to be believed, that, in the observations he should have to make, nothing was farther from his mind than to bear hard on those who were affected by the present state of the commercial credit of the country, particularly on the manufacturers, who were now, by the existing state of things, deprived of a market for their commodities. That class of persons was peculiarly entitled to the protection of Parliament, because from the situation in which they stood they could not have brought the calamity upon themselves by their imprudent and unjustifiable speculations, as they did but execute the orders they had received from the merchants, and were distressed in consequence of the latter being unable to make the proper returns. Notwithstanding the difficulties which must be felt on the subject, as well with respect to the efficacy of the plan, as on account of the inconveniences which might be expected to arise from it in a case where the necessity was so urgent, he would not in any way obstruct the measure in its progress. The difficulty which chiefly struck him, was in discovering in what respect the present period had any resemblance to the state of affairs in the year 1793. He also must own that he felt doubts, and only doubts, as to the efficacy of the measure proposed. If he felt more than doubts on this subject, he should oppose the proposition, but his difficulties being confined merely to doubts, which he should now state, it was not his intention to oppose the measure. He hoped his doubts might be removed, and if they went no farther than the objections stated by the right hon. gent. (Mr. Ponsonby), he should not now allude to them. The right hon. gent. had argued, that the state of commercial credit was not owing to a glut in the market of South America, but to the state of Europe. If he could be persuaded of this, he should not think the matter of so much importance. The successes of France had been progressive, and it naturally followed, that the trade to the continent should also have necessarily accommodated itself to those progressive successes and changes as they occurred; and so the evil must have been less severely felt, if it had not been for other changes. His doubts principally arose from an impression on his mind, that such a case had not been made out as had been proved in the year 1793. The present Report was built principally on a theory of two respectable gentlemen, who said that great relief and also great good had been derived from the accommodation given in the year 1793. They agreed, indeed, that there was a difference in the state of things at the two periods, but they did not state in what that difference consisted. The Report in the year 1793 laid it down, that the discredit under which paper then laboured had produced a deficiency in the circulating medium, and then went on to state, what, in the opinion of the Committee, would increase the quantity of that circulating medium. The stoppage of one banking-house had then occasioned a distrust of all. Within three months after that, with all the markets of the continent open to us, the markets and manufactories of England were in a state of total stagnation. The public securities were excessively depreciated, Exchequer bills and Navy bills were at 12 or 13 per cent. discount, and it was impossible to gain discount for the most inconsiderable sum. Was that the case at present? Quite the contrary. Then there was a great deficiency and diminution of circulating medium. Was that the case now? Certainly not, but greatly the reverse. Public securities stood then at a discount. Now they bore a premium. At this moment there was no difficulty in procuring discount of bills with good names upon them. No later than that morning Navy bills were discounted at 4½ per cent.—The Bank of England had now to complain, not that they had no funds with which to discount, but of a deficiency of good paper to discount. (Hear! hear! by Mr. Rose.) The right hon. gent. called hear! but if so, this was not the case in the year 1793. If he were to trace it back historically, the case of the year 1793 was as dissimilar from the present as could be in almost every respect. Then there was a fall, not on one commodity, but on every one. There was a rise in the value of money, and a fall on every other commodity whatever. It equally affected every person too, and was of short duration. There was then no want of market, there was no glut or stagnation of trade; but there was a want of individual confidence. Then there was a diminution of the circulating medium. Was that so now? Then the issues by the Bank of England were 14 millions, now they exceeded 23 millions. He wished gentlemen to consider the essential difference in the state of things then and at the present moment. Now there was a demand in the country for good paper; and the Bank of England, so far from confining its discounts, has, in consequence of the want of good bills to discount, been purchasing largely of government securities. He wished the present Report had been more explicit.

The House, he observed, would recollect that in the year 1793, several gentlemen of the first character, members of that House, had been examined before the Committee, and stated that houses of known respectability could not, at that period, get money on good bills. At that time not one considerable house failed. He remembered well that there was hardly one house of those which stopped payment which did not afterwards pay in full, possessing more than the amount of all the claims made on the concern. The witnesses examined even had stated the manufacturers who had capitals to be the persons who felt the greatest distress. Under all the circumstances, the question then was, if the remedy resorted to in 1793 ought to be resorted to when the situation of things was different? The present Report, on the contrary, now went, as it were, to countenance the idea that there were manufacturers at present who had no capital at all. It stated, that such merchants could not obtain credit; as if it was to be considered a strange thing that there should be a want of credit where a merchant was not solvent. This was the difference between the Report in 1793, and that now before the House. He would not on this occasion anticipate what might be said on the subject—but he hoped that on some other occasion the House would not fail to discuss and inquire into this evil. The commercial and manufacturing classes were then straitened for want of a circulating medium; but were they so in this instance? At the present moment there was no deficiency of circulating medium, and if securities were unexceptionable they would not now be refused. There was not at present any want of facilities, but want of confidence. Let it be considered, that in the present state of matters the Bank of England, or any persons who advanced money, were partners in every speculation, to the extent of five per cent. without risk. Under these circumstances could it be surprising that there should be great readiness to give credit, and that it should be too greatly extended? In his opinion the great evil arose from too great a facility of procuring credit. And here, without any thing injurious or offensive to the very respectable individuals concerned, he could not help adverting to the sad catastrophe which had recently occurred in the city (the death of Mr. Goldsmid) to one of the contractors for the late loan, as a consequence of the facility of speculations to a large amount, beyond the means of the parties, and an illustration of his argument. Did gentlemen not see that the race of old English merchants, who never could persuade themselves to go beyond their capital, was superseded by a set of mad and extravagant speculators, who never stopped so long as they could get credit; and that persons of notoriously small capital had now eclipsed those of the greatest consequence; so that speculations now took place even in the lowest article of commerce? In this way had commerce become a sort of wholesale gambling, such as had never before been seen in this country. The state of our circulation was such as fully to justify these observations. In the present state of this country no good could be done by encouraging speculation. He wished that relief should be afforded to the manufacturers, but if any person could, on application, and giving personal security to the satisfaction of the commissioners, receive any part of the sum to be advanced, and, instead of applying it to relieve himself out of the particular embarrassment in which he is at present involved, engage it in general speculation, the only effect of the measure would be, to aggravate the evil which it was intended to remedy. Part of the sum so to be issued might even get into the hands of great speculators, who might use it for the purpose not of diminishing, but of increasing the risks to which they had been already exposed, in the hopes that they might thereby extricate themselves entirely. He saw nothing to secure us against overtrading, even with this sum so to be advanced, or that the relief would be actually given where it was due, and where it was really wanted. If so, the present measure would only go to add six millions to our circulation, and to raise the price of all our commodities. He wished his right hon. friend to consider if means might not be devised for confining the relief to those only who required it. If not, what security had we that a person obtaining part of this sum on credit might not employ it in speculating on the public loan of the year? At a period such as the present, when there were such fluctuations in the markets, if the distribution of this relief was not properly looked into, there would be found gentlemen who would avail themselves of the measure to ground on it new and more hazardous speculations. When individual confidence was at the height, that formed a ground for an increase of the circulating medium; but when there was a glut of commodities in the market, such an increase was carefully to be guarded against. If not, we must go on from bad to worse, without ever getting at the root of the evil. Looking at the Report, therefore, he was at a loss to find what the parties meant by saying, that the country banks had no means of making any further advances to assist the manufacturers, as their property was already sunk in bad bills; while the merchants and manufacturers had their property sunk in exports to South America, for which they had had no return. These seemed to him rather as arguments against the conclusions come to in the Report, than in support of them. He had thus thrown out what occurred to him as doubts on this important subject, hoping that they might be removed in the course of the discussions, which the measure would not fail necessarily to receive in its future stages through the House.

Mr. *Rose* stated, that the right hon. the Chancellor of the Exchequer had not recommended the proposed measure in a full confidence of its success; all that he had urged was the probability of such relief affording a reasonable chance of recovery from the present embarrassments of the commercial classes. His hon. friend (Mr. Huskisson) in stating the difference between the present period and that of 1793, particularly contended, that in the latter period credit was very high, and trade very encouraging, and that the pressure was but temporary. In that opinion it was his belief that his hon. friend had overstated the point, because he well recollected that many of the great houses then embarrassed, became in a short time bankrupt; indeed, in the neighbourhood of Bristol alone there were no less than six private banks which became insolvent. With respect to the objection which arose from the state of our paper circulation, he had directed his attention most particularly to that subject; and the result of his inquiry was, that, in place of a redundancy of paper, as the House would be surprised to learn, the present circulation was much circumscribed. As to mercantile gambling, to which an allusion had been made, it might be that such a practice had partially taken place; and those who resorted to such an expedient had a right to smart under its consequences.—But it was no argument to advance, that, because some merchants went out of their way, therefore others, with fair claims on public liberality, were not to receive relief. That such relief would not be improperly dispensed, there was every probability, from the character and exertions of the commissioners; who no doubt would, as was their duty, take the most effectual care to obtain not only security, but the fullest satisfaction that the money should be reimbursed within the given period. Some allusion had been made by his hon. friend (Mr. Huskisson) to the contractors for the last loan. He (Mr. Rose) was not aware of any improper transaction attaching to the nature or circumstances of that contract—it might have turned out disadvantageous to those who had made that bargain; but that was no uncommon occurrence; indeed there were instances of much more disadvantageous engagements of that description. His right hon. friend (Mr. Perceval) never did say that no returns were made from South America: but he contended, that when our merchants took returns in the produce of that country, such as coffee and sugar, it was impossible for them to know that the markets of Europe were shut against them. When, in October last, the first application was made to him for the relief now proposed to be granted, he (Mr. Rose) was much indisposed to accede to it; the general principle was against it; but upon a more detailed examination of the circumstances, he was induced, from the numerous statements of great distress, particularly in the manufacturing districts, to support such a proposition. He denied most strongly that any merchant would be induced to risk adventures from mere statements made in that House. He had himself, in his place, expressed a hope that the markets of South America would afford great scope for British speculation, and that hope was founded on the knowledge, that of eleven millions of British manufactures exported into the United States, only one million was there consumed, while the rest was re-exported to the Southern continent. But from a mere statement of that description he could not surely be made answerable for the extensive and exorbitant adventures which merchants might have afterwards hazarded.

Mr. *Huskisson,* in explanation, stated, that he by no means wished to convey any imputation against the contractors for the last loan. They took perhaps a very natural course. Having made a very disadvantageous bargain, they were obliged to have recourse to more inordinate speculations, by which the public stock was raised to an unnatural price. Were these inordinate speculations successful, they must have been impositions on the public—failing, they must involve the holders in irretrievable ruin.

Mr. *Henry Thornton* observed, that he was not surprised to hear that many gentlemen manifested considerable reluctance to accede at first to an application for this relief. He had himself, from the principle of the measure, been much indisposed —and nothing could have compelled him to yield his original opinion, but consideration for the distressed state of the manufacturers in Paisley and Glasgow, and in other manufacturing districts. The difference between the present period and that of 1793 was considerable—the distress of the former was particularly felt by the country banks, and of course was partial, whereas the embarrassment now was general. In the former period it was paper credit gave way, and affected commercial credit; at present it is commercial credit that as fallen, while paper credit has been little affected. The Bank of England was then paying in specie, and had in its power the means of correcting the evil effects which this loan to the commercial body might be supposed to produce. The distress was then attributable to a momentary want of confidence, which was soon dissipated; the failure of this day implied a disease of a much deeper and more serious nature. It was to be feared now that from palpable losses, the capital of trade was in a great part destroyed, and consequently there existed an additional danger to the public of not recovering the money which it should at present advance. Therefore, whilst he was willing to assist the distressed manufacturer, he wished the loan to be applied on a charitable and humane principle, and afforded to those persons and places only where the distress was greatest; because if it were to be distributed on a general principle to merchants who could give security, and proportioned to that security, the consequence must be, that there would be a general rise of price in all articles, and he could never forget that bullion was amongst those articles which would be affected in that way. The Bank of England, under such circumstances, had not the check which it possessed in the year 1793; there was now no standard at all.

Mr. *Curwen* said, that it was impossible not to see the public confidence was gone; that, therefore, made the measure of temporary relief imperious. Even though the whole money was to be ultimately lost, the parliament, for the support of our commercial interest, was bound to hazard the experiment. He, however, trusted that the Committee would not limit its attention to this single measure of relief; but, at a proper and early opportunity, apply itself to an investigation of the original and radical cause. From the inquiries he had made in the great manufacturing district of Lancashire, he knew, that the distresses and sufferings of that deserving body were by themselves attributed to the nature of our relations with America. The agricultural interest was now feeling the evil; for, from the distress of the manufacturer, no longer able to purchase the same food as formerly, the farmers could not obtain the same market for their produce. In Scotland, he knew it to be a fact, that the farmers were willing to sell at this moment their fat stock at the lean prices. He conjured the Chancellor of the Exchequer therefore, whatever may be his own predilections, not to continue bigotted to a scheme of policy, which had produced, and must continue to produce, such wide spread distress and privations.

Sir *Robert Peele* said, that if the cotton-manufacturers were the only persons concerned, the relief might be withheld, perhaps without much injury; but not only the cotton-manufacturers but the land-holders, and many other classes, were deeply interested. He could state it as a fact, that the manufacturers never experienced more distress than when they depended on specie. When invasion was expected in this country, the conductors of the trade were not able to pay their poor manufacturers; and the House might rest assured, that the trade of the country could never be carried on to its present extent, if they were to depend on specie alone. Trade had of late years increased to threefold what it was, and the circulating medium, if inquiry was made into the subject, would be found not to have exceeded its due proportion. He begged pardon of the House for having troubled them with these observations, but he felt it impossible to permit the question to pass without expressing his gratitude for the intended relief, not that it would affect him or his family in the slightest degree, but because he could not suppress a fellow feeling for those who, though now so differently situated, had once assisted him in raising his fortune.

Mr. *Alexander Baring* expressed a hope that both questions would undergo a strict discussion at some future period. With respect to the first, the cause from which the misfortune arose, it was undoubtedly influenced in a material degree by the political measures; but the great and immediate cause of the evil was the want of a market. As long as a single port was open to us, that purpose was answered, but they were all closed at present, and here was the foundation of the pressure which the Committee were now called upon to remedy. With regard to the speculations themselves, they were perhaps rightly described by a right hon. gent., who said that they proceeded from that sort of greediness which sought to exclude all others from the same advantage. But there was one consequence of the present system which they would do well to look to; if America could not trade with us, she must proceed to manufacture for herself (a thing if possible to be avoided), so that in this point of view the political question was in reality involved in a very great degree. The question to consider was, whether a temporary provision should be made in the present instance? a proposition to which he was inclined to give his assent, as he thought it but proper, that whatever arrangements ministers might have made with the merchants should be carried into effect. The expedient, however, did not appear to him likely to give what the merchants wanted; what they wanted was a market. He warned the House against expecting that the money would be returned in any thing like the period understood. His next great objection was that which arose out of the Bank restriction. Paper, it was known, was already over-abundant, and the operation of this measure would increase the quantity. As a general measure, therefore, it was liable to great objections. They should beware lest, in attempting to relieve the manufacturers, they should only give encouragement to speculators and adventurers. He should not go more generally into the political question at present, as he felt it to be of sufficient importance to be discussed by itself. He agreed with the right hon. gent. (Mr. Rose), that the cause which was stated was not the true one, but thought that the board of trade, notwithstanding every disposition to discharge its duties in the best manner, contributed greatly to increase the difficulties and disadvantages of the merchant. Merchants were in the habit of attending on it, to see what particular measures and regulations may be in the contemplation of government, and thus the sound and solid principle of leaving commerce entirely to itself was altogether abandoned.

Mr. *W. Smith* thought the inconvenience of the measure so far outweighed its advantages, that if his right hon. friend (Mr. Ponsonby) had determined to take the sense of the House upon it, he for one should divide with him. If any man read the Report, he must be struck with the looseness of its assertions; it merely asserted, that loss arose from over-trading, and that benefit would be derived by giving money to assist the losers. He approved of the feelings of the hon. baronet (sir Rob. Peele), but was of opinion, that though perfectly proper in him, it would not be proper in the House of Commons to indulge them. Besides, if the general principle of such applications were once recognised and established, a pretence would never be wanted for urging them. It appeared to him that there were three sorts of speculators who might meet with considerable difficulty: two of them, being advantageous to the public in general, might be favourably considered, he meant those who exported commodities from this country, and those who imported into it the raw materials from others; such speculators, though they might overtrade a little, might be forgiven. But the third sort to which he alluded, were those who speculated upon articles already in the country, and sought no other object than to put money in the pocket of the monopolist. This trade was not beneficial to any body, and the undertakers of it, when they failed in consequence, ought to be permitted to perish unnoticed. The evidence too upon which they were then called upon to decide was the evidence of interested persons, and the fair inference to be drawn from that circumstance was, that the evidence was necessarily exaggerated. It had been represented as invidious to make remarks upon persons situated as the present applicants were. He certainly would admit, that it would be an invidious task to volunteer any criticism upon their conduct, but when they applied to Parliament they forced themselves into such a situation that it became the duty of every member of that House to investigate and to speak freely. A right hon. gent. had said, that, if the pressure were inquired into, it would perhaps appear to be little more than that persons having capital, but wanting credit from the pressure of the times, wished for relief from Parliament. That it might be expedient to grant relief in such a case, he would allow; but if there was any prospect of effecting it by other means, they should not be too precipitate in their proceedings. If no market was open to these persons they would experience no permanent or substantial benefit, and the public might suffer deeply. Another objection was, the extreme inequality of the measure in consequence of the numbers who had already suffered. He knew it was not easy to avoid this, but still he could not help thinking that it was hard, in times like these, to wait until a number of respectable persons sunk under the pressure, and then to apply a remedy which others would have the benefit of.

Sir *John Newport* argued, that such grants, dispensed as in the case of 1793, went to derange the whole established system of commerce. Either there should be no secrecy as to the persons borrowing a part of this public money from the commissioners, or the parliamentary creditor should run the same risk as the private creditor. It would otherwise turn out hard upon the latter, that after having lent his money, or taken security on the ostensible property of the debtor—if any failure took place, that on which he depended should, to his great injury, be the sole security of the parliamentary creditor. This he did not think right; it had a tendency not to correct, but to increase the evil. The ground of complaint was the want of a market, and the effect of the measure would be to employ the manufacturers for the present, and add to that glut which was known to exist in the market already. He dwelt on the expectations held forth from the market of South America, which he considered perfectly delusive and visionary, especially as from the present divided state of that country, the returns were likely to be still farther protracted, and the market to be more disturbed and impeded than before. He cautioned the House not to expect that the money would be soon repaid; he doubted whether it would afford any relief.

Mr. *Manning* thought the difficulty of so serious a nature, that they were bound to do all they could to remove it. He agreed with the hon. bart. as to the propriety of equalizing the condition of parliamentary and private creditors, and thought that though the relief might not prove to be sufficient, it was but right to make the experiment.

Mr. *Whitbread* would not say that he was courageous enough to resist the vote at present, but he was anxious to be distinctly understood as not intending to pledge himself so far as to prevent his retracting, if at a future stage his conviction told him that it would be right. Of all those who had spoken, not one had expressed a sanguine notion of the success of the measure. The right hon. the Chancellor of the Exchequer had declined answering a question which he had put to him the other day, as to whether he was prevailed upon by importunity to accede to the measure, or was converted to it. If he might judge from the speech of the right hon. gentleman to-night, it appeared that he was no convert, but was persuaded by importunity. The hon. baronet (sir Robert Peele) had spoken with great feeling, but the question was not whether they should yield to feeling, but whether the grant of six millions was likely to be of advantage to the operative manufacturer? He characterised the Report as one of the most loose and ill digested that ever was laid before the House, and selected some parts from Mr. Gordon's evidence to prove an inconsistency in his statements. He charged the Committee with not attending sufficiently to the resolutions of the Deputation, and reminded the House that he had originally objected to the formation of the Committee, upon the ground that it was likely to be influenced by too large a portion of feeling. He wished that the Report upon the other Exchequer bills had been received before this motion was made, and alluded to the representation of the flourishing state of trade in the King's speech of last session, The *Chancellor of the Exchequer* agreed in one thing with the hon. gentleman who had just sat down, and that was the observation that the circumstance of the measure having been brought into the House should not prevent him, or any one, from voting against it, if upon a further view it appeared not to be beneficial. With respect to the hon. gentleman's assertion, that he (the Chancellor of the Exchequer) had yielded to importunity instead of being a convert to the measure, he would own that he had not the same sanguine hope as in the year 1793, but still he thought that it afforded a favourable chance of relief and ought to be tried. Although the most favourable circumstance in the other case did not exist in the present, still there were many favourable circumstances in this case which were not in the other. The market was not now open as it was then, but in 1793 there was a great fall in the stocks, the 3 per-cents. fell from near 100 down to 70, which produced a total loss of capital which could not be relieved by the measure. A right hon. bart. had stated what would in his opinion be the operation of it upon general credit. It was true, that in the former instance the writ of extent was unlimited, but it might be limited now if deemed expedient. The effect it would produce, he thought, must be to make the friends of the party more cautious of coming forward, unless he could give sufficient security in available property. There were now in the warehouses double the quantity of articles that were lodged in them the year before, and these were not merely applicable to the foreign market, but to the home one also. He differed in opinion from those who thought that by removing the Orders in Council they would open a market on the continent. It was not owing to the Orders in Council that the markets were closed, but to the Decrees of the enemy. He contended, that the Orders in Council, so far from being objectionable, had answered the purpose for which they were intended, by driving the tyrant of the continent to such an extremity as to burn all British commodities; an act by which he destroyed more of the property of his own subjects than of the British merchants. They had driven him to such an act as might afford a chance of ridding the world of its oppressor. He agreed with the hon. gentleman, that if he found he had been wrong, it would not be undignified to change his conduct; but he would beg of that hon. gent. to keep his mind open when he should come to the question, and be cautious of adopting it as a certainty, that the repeal of the Orders in Council was all the Americans wanted. He was glad the House was inclined to agree to his proposition in the present stage, and declared his determination to change his conduct, if in the progress of the measure he saw any ground for so doing.

Mr. *Whitbread* said, that the right hon. gentleman had made some imprudent insinuations with regard to America, which he hoped would not shut gentlemen's minds to the case when it was brought before them; he hoped that if America did make any other demands than those which were generally understood, the right hon. gent. would have no objection to accede to his motion for papers.

The *Chancellor of the Exchequer* said, that he would agree to his motion if he brought it forward at a time when, consistently with the public interests of the country, they could be granted. He had no objection to repeat what he thought neither improper nor uncandid; that gentlemen should not run away with the impression that the repeal of the Orders in Council was all that was required by America. He did not go on to say that there was no hope of accommodating these differences, for he had every reason to hope the contrary.

Mr. *Whitbread* said, he was relieved from the impression made upon him at first, by the different tone and manner of the right hon. gent., now therefore he should content himself with repeating his former questions, as to the objects in dispute between the two governments.

After some further conversation between Mr. Canning, Mr. Ponsonby, and Mr. Rose, the Resolution was agreed to without a division.

MUTINY BILL.—CATHOLIC SOLDIERS.] On the question for bringing up the Report of the Mutiny Bill,

Mr. *Parnell* rose, pursuant to notice, to move a clause relative to Catholic soldiers. He did not do so with a view of imputing any blame to ministers; on the contrary, he was ready to give great praise to the Irish government, for the orders lately issued by the commander of the forces, to prevent commanding officers from compelling Roman Catholics to attend the Protestant divine service. He wished to render their good intentions effectual, by giving them a legislative sanction, at the same time to secure the soldiers from the recurrence of abuses, in consequence of the temporary authority of all regulations in the shape of general orders. He was sure the House could not seriously intend to constitute the refusal of the Catholic soldier, to frequent the service of the Protestant church, a crime—yet, in point of fact, it was in the habit of doing so annually on passing the Mutiny Bill; and also, of providing penalties against those who were guilty of it. By the Mutiny Bill, the King is empowered to make articles of war for the government of the army. By the first of these articles, all officers and soldiers, not having just impediment, shall diligently frequent divine service, and sermon, in the places appointed for the assembling of the regiment, troop or company, to which they belong; such as wilfully absent themselves shall, for the first offence, forfeit one shilling; and for the second offence one shilling, and be laid in irons for twelve hours.—By the same articles, section 2, article 5, if a soldier shall disobey any lawful command of his superior officer, he shall suffer death, or such other punishment as by a general court-martial shall be awarded; and as the refusal to frequent divine service is such a disobedience, it is possible that the punishment of death might be inflicted on the offender.—As, said Mr. Parnell, the House could never mean to create this a crime, in the case of a Catholic soldier, it could never desire to continue by law punishments like these. It was therefore the object of the clause which he should submit to its consideration, to provide that no person professing the Roman Catholic religion serving in his Majesty's regular forces, or in the militia of the united kingdom, should be subjected by the articles of war to any punishment for not frequenting divine service as performed according to the rites and ceremonies of the established church. He would now state to the House such cases as would shew to it that the interposition of the legislature had become necessary. In the course of last summer, a soldier of the name of Spence, belonging to the county of Dublin militia, having refused to attend the Protestant worship, was put into confinement; having in consequence sent a memorial complaining of this treatment to his commanding officer, he was brought to a court-martial on the alleged offence of presenting an improper memorial. He was sentenced to receive 500 lashes, which punishment was commuted for service in the West Indies—and he had actually been taken as far as the Isle of Wight, when upon an application of Dr. Troy and some other respectable Catholics, an order was given for his being brought back. Another instance happened at Enniskillen—several privates of the artillery corps having refused to go to the Protestant church, their commanding officer made them parade with their coats turned, and continued this punishment till an application was made to the commander of the forces, and an order obtained to desire him to desist—In consequence of these occurrences, the commander of the forces issued general orders in January last, stating, "That reports having been circulated, that Catholic soldiers have been prevented from attending divine worship according to the tenets of their religion, and obliged, in certain instances, to be present at that of the established church, the commanding officers of the several regiments are to be attentive to the prevention of such practices, if they have in any instance existed in the troops under their command, as they are in violation of the orders contained in the circular letter of the 14th May, 1806, and since repeated to the army; and the Catholic soldiers, as well as those of other sects, are to be allowed, in all such cases, to attend the divine worship of the Almighty, according to their several persuasions, when duty does not interfere, in the same manner, and under the same regulations, as those of the established church." These orders, said the hon. member, necessarily suggest several very important considerations; in the first place, they dispense with the law of the land; for the first article of war makes it lawful to punish a Catholic soldier, if he refuses to frequent divine service at the place he shall appoint. They prove that the practice of preventing Catholic soldiers from attending divine service, according to the tenets of their religion, is common, for otherwise so authoritative a mode of interfering would not be requisite, nor would it have been necessary to repeat these orders, as it appears they have been repeated since 1806. They likewise prove, from the circumstances respecting them, that they do not afford an effectual remedy. It is obvious that they cannot, they must soon be forgotten, and in point of fact they become wholly useless in a few months after they are issued. For this reason it is that the clause which is now proposed is absolutely necessary, in order to carry into effect the intentions of the Irish government. It will do that for ever which they have failed in being able to accomplish by their repeated orders, and, therefore, they ought, beyond all others, to be willing to support it. The instances that have been mentioned refer only to Ireland; the hon. member said, that similar cases frequently occur in this country. Sir John Cox Hippesley states, in the speech he has published on the Catholic question, that the Catholic prelates have frequently addressed government upon the subject, that he presented an address to the duke of Portland in 1800, in which they say, "no sooner was a regiment, though chiefly composed of Catholics, arrived in England, or in any other part of the empire, than they were forced to conform to the established church." A case that had lately happened at Woolwich had been put into his hands, which he would read to the House.—He had made very careful inquiry as to the accuracy of it, and had been assured of its truth by such good authority that he could undertake to say, that if it shall be further investigated the facts of it will be completely borne out. "A private of the royal artillery, who was born and bred a Roman Catholic, on the 6th of January last, was ordered to attend the divine service of the established church. This he refused in very civil and decent terms. Upon which, he was confined in a dark room for twelve days." Though this is the only case he was at present able to state to the House, when it is considered that Catholic soldiers imagine, when they come to England, that they must conform for the time, and go to church, and how difficult it is to acquire information, in consequence of the punishment a soldier exposes himself to by complaining against his commanding officer—the fair conclusion to be drawn is, that this practice very commonly prevails—as a matter of general notoriety, it certainly does—and therefore a remedy was wanting for the evil as well in England as in Ireland. With respect to the recruiting of the army, Mr. Parnell said, there was no measure which would promote it so much as the adopting of the proposed clause. He had made it his business to inquire from those who were best able to give him information on the subject, and he found that the common people of Ireland had an objection almost insurmountable to enlisting into the army, arising from a knowledge that they might be compelled to attend Protestant worship, and be deprived of the service of their own religion. It was not possible to account for this aversion to the army on any other grounds—for comparing the situation of a poor Irish labourer with that of a soldier receiving a very large bounty, good pay, cloathing, and great protection on the part of his officers, the situation of the latter was infinitely preferable to that of the former. It was therefore a matter of policy as well as of common justice to make the alteration in the law which he proposed. It would effectually carry into execution the intentions of government, and relieve them from the recurrence of similar complaints.

Mr. *W. Pole* thought this clause unnecessary, as the Irish government had never wished to force the Catholics to attend Protestant service, and did give immediate relief to the few Catholics who had been aggrieved in this manner. The hon. gent. had been misinformed as to the facts of the case with respect to Spence, one of the soldiers alluded to. Spence had been ordered to attend church parade. The custom was, to move off the Catholics to mass, and the Protestants to church. This man was about to leave parade, but was told by a serjeant that he would be guilty of disobedience of orders. Notwithstanding this he did quit the parade, and was afterwards tried by a court-martial, for writing a mutinous letter. The sentence against him was severe. Dr. Troy afterwards made representation to the government, and the man was allowed to commute his punishment by enlisting into a foreign regiment. Upon the representations made, the man was pardoned and discharged the service. The other case was that of a young officer, just returned from the West Indies, who had turned the coats of two of the men for not attending service; the officer was afterwards removed. The right hon. gent. observed, that the object of government in making the order was, that the men should attend divine service, but only in accordance each with his particular form of worship.

Sir *J. Newport* allowed, that the Irish government had interfered in a very handsome manner on the particular cases brought to their notice. He thought parliament should now interfere for the general protection of the Catholic soldiers.

Mr. *W. Smith* said, that if Spence had not happened to have a friend to state his case to the government, he would probably have suffered the whole of the punishment. He thought the Catholic soldier should be protected by law.

Lord *Palmerston* said, that instances which could be produced of the interference complained of were so very few, that there was no occasion for any law upon the subject, and that it would be much better to leave it as a matter of regulation, as there could be no doubt of the wishes of the government or the commander in chief upon the subject. In the hospitals, wherever there were Catholic soldiers, Catholic clergymen were admitted.

Mr. *Hutchinson* dwelt on the great importance of the Catholic body to the recruiting our armies. He therefore conceived, that it would tend greatly to increase our armies if the Catholics had that protection by law which the gentlemen on the other side wished them to have by the regulations.

Mr. *Manners Sutton* said, that at present the only question was, as to the mode; and it appeared to him, that no case had been made out to call for an alteration of the law, but that the regulations would be fully adequate to prevent the evil complained of.

Mr. Elliot, and Mr. Herbert, supported the clauses.

Mr. *Ponsonby* observed, that neither the practice of the Irish government, nor their regulations, protected Irish Catholic soldiers in this country. For their protection he thought a change in the law necessary.

Lord *Palmerston* said, he was not aware of a single case of this nature happening in England.

Mr. *Parnell* re-stated one of his cases, which was that of a private in the royal artillery having been lately imprisoned 12 days, at Woolwich, for refusing to attend the service of the established church.

The *Chancellor of the Exchequer* thought the Catholic soldiers had sufficient protection in the known sentiments of the Irish government, and the general orders they issued. In this country it would be much better that the effects should be produced by a regulation than by a law. If the Catholic soldier was to be especially exempted, every class of dissenters in the army would conceive themselves equally entitled to exemption.

Mr. *Whitbread* suggested as a better course, to address the Prince Regent to alter the articles of war in this respect. Perhaps general orders from the commander in chief in this country similar to the order of the Irish government, might produce the same effect.

Mr. *M. Sutton* said he should propose, on the third reading, an Amendment in the 21st clause, which provides, That the court martial be empowered to inflict such punishment as may appear to them commensurate with the offence, extending to loss of life, or limb, flogging, &c. The Amendment which he wished to propose was to give an option to the Court to order, in lieu of corporeal punishment, that of imprisonment.

The House then divided,

For the Clause	13.
Against it	46.
Majority	—33.

List of the Minority.

Adams, C.	Newport, sir J.
Elliot, W.	Parnell, H.
Folkestone, viscount,	Ponsonby, G.
Herbert, capt.	Smith, W.
Hutchinson, C. H.	Taylor, M. A.
Lambe, W.	Whitbread, S.
Milton, lord,	Wrottesley.
Moore, P.	

HOUSE OF COMMONS.

Tuesday, March 12.

PRINCE REGENT'S MESSAGE RELATING TO PORTUGAL.] The Chancellor of the Exchequer brought up the following Message from the Prince Regent:

"GEORGE *P. R.*

"The Prince Regent, in the name and on behalf of his Majesty, thinks proper to inform the House of Commons, that the assistance which his Majesty was enabled to afford last year to the Portuguese government, for the maintenance of a body of troops in his pay, has been productive of the most important advantages to the common cause, and has contributed essentially to the success of those measures which have been adopted by his Majesty for the defence of the kingdom of Portugal,

"The Prince trusts that the House of Commons will enable him to continue the same support to the Portuguese government for the present year, and to afford such further aid and assistance to that government as the nature of the contest in which his Majesty is engaged may appear to require."

The Chancellor of the Exchequer then

moved, That this Message be referred to the Committee of Supply, on Monday.

RESOLUTION RELATING TO PRIVATE BILLS.] Sir *James Graham* moved, "That no Private Bill be read a second time unless notice of the day proposed for such second reading shall have been given in writing three clear days beforehand, by the agent soliciting the Bill, to the clerks of the Private Bill Office, who shall enter such notice in the Private Bill Register, and certify the same upon the back of the Bill."

Mr. *Wilbraham Bootle* wished to know, whether, in case the second reading did not take place on the day appointed, owing to a pressure of other matter, the three days notice must be given over again?

Mr. *Abercromby* rather thought there would be no occasion for it, as the object of calling the particular attention of the parties concerned to every Bill would be attained by the first notice.

The *Speaker* stated, that members who had the management of Private Bills often delayed coming to the House till the hour for public business arrived; and therefore, in many instances, had themselves to blame for the delay. If this regulation should have the effect of procuring a pointed and early attendance, it would greatly facilitate the business of the House.

The Resolution was then agreed to.

DISTILLERIES.] Mr. Lushington brought up the Report of the Committee on Distilleries.

Sir *John Sinclair* opposed the measure, chiefly on the ground, that the growers of barley ought not alone, out of all the community, to be subjected to the burthen of relieving the West India proprietors. If relief was to be given, it should be from the common stock.

Mr. *Coke,* of Norfolk, was not present when the measure was proposed, otherwise he would have opposed it. If the value of land had increased, so had the taxes upon land, the poor rates, &c. What did the colonies furnish to the country in comparison? It was in vain to introduce a scale between barley and sugar in this way. To frame any just scale was utterly impossible. He felt for the distresses of the West India Proprietors; but this was the worst way of assisting them that could be devised. The House would remember, that in 1808, the warmest supporters of the measure considered it as merely temporary.

Mr. *Rose* maintained, that a scale might very well be adjusted, and that it was fairly done by this measure.

Mr. *Curwen* opposed the scheme, as one of the most pernicious tendency. It was an object to have abundance; there must be a supply beyond the general consumption of man, and the distilleries were most useful in this respect. But the advantage was lost by this perpetual meddling. Barley was absolutely a drug in the market. The time would come, he said, when magazines must be formed to store up grain in years of plenty, and sell it out in times of scarcity. This would be a burthen, but it would prevent the calamity of famine.

Mr. *Fuller* voted on the subject as independently as any man. If they would not allow him to distill his sugar he would the better sell his barley in Sussex. The West India interest had supplied the country with seamen, with ships, and with every thing of that sort; why, then, should the West India proprietors be considered as so abject a race? This measure would help to keep our money at home. Our bullion had gone abroad for corn till we had not a guinea remaining, and we could not get change for it if we had. The measure was wanted only for one year. The property of the land owners had, independent of the taxes, risen from 30 to 40 per cent. while the property of the poor West India proprietors had fallen 50 per cent.

Mr. *Marryatt* contended that the planter of sugars could not with any fair advantage bring them into the market cheaper than 75*s.* while the present scale was fixed at 70*s.*

Mr. *Coke* urged the propriety of lowering the scale as to grain, in consequence of the various petitions from Scotland last year, stating the low price of it.

Sir *T. Turton* contended, that the prices of grain were now such, as, compared with the price of labour, would scarcely repay the farmer. At the same time he was by no means prepared to say that 70*s.* 9*d.* was a fair price for sugar. He should give his support to the detail of the measure, but he must afterwards oppose it in particular parts.

Mr. *Brand* wished that a mode should be devised, by a full inquiry, to equalise the interests of both.

Mr. *Hibbert* stated, that the produce of the old British colonies was equal to the supply of the whole kingdom; but that great benefit had been derived to the country from the re-exportation of colonial produce. The malt duty, it appeared, had not fallen off during the last year, so that the growers of grain had the sale in one way or in the other.

The *Chancellor of the Exchequer* replied to the principal arguments which had been urged in the debate. He contended, that agriculture and commerce depended one on the other, and that to neglect either was to injure both. The principle of the regulation he had proposed was, to make the duties such that if the price of barley did not exceed 38*s.* it must be the interest of the distillers to use grain in the distilleries. The reception his plan had met with proved at least that he had not been led into error by the representations of those most interested in the result, and that no one was favoured to the injury of the others. He had taken barley at 38*s.* He had been informed he ought rather to have taken it at its present prices, 26*s.* or 28*s.* He had anticipated an objection of a different nature, and expected that it would be said he ought rather to have taken it at 40*s.* 41*s.*, &c. If, however, he had taken the price higher than it happened to be at present, there was the greater reason to believe the agricultural world would be the more benefited by the measure. It might be a question, whether or not the measure proposed ought in policy to be adopted. But he contended that there was nothing in it which could reasonably excite alarm. He had no objection to the measure being adopted for one instead of for two years. It was his particular wish that it should be felt by the House and the country that there was nothing dangerous in it. They ought not to be too ready to give credence to the gloomy predictions so often thrown out. Three years ago, when the distilling from corn was prohibited, it was predicted that its consequences must be ruinous. It was stated that the spirit of agriculture must be instantly annihilated, and a period put at once to the cultivation of barley. What was the fact? Why, now the prophecy was seen completely falsified; and it was now said there was so much barley wherever they turned their eyes, that it would fetch no price whatever. Did not this prove that the measure then adopted had not been so fatal to the interests of agriculture, as had been asserted? Before he sat down, there was one circumstance to which he ought to allude, but with which he believed the House was already acquainted. The circumstances under which the law prohibiting distillation from grain had expired, had induced ministers to apply to the distillers in this country, to ask if they would restrain themselves from the use of it, when they were no longer restrained by the law. To this proposition they had with great liberality acceded. This circumstance, in justice to them, he ought not to have omitted to state before. In conclusion, the right hon. gent. observed, that though gentlemen opposite, expecting some measure was about to be proposed for continuing the prohibition of the use of corn, might very naturally come down prejudiced against it, as they had been averse to such a proposition before, he, however, hoped when it was fairly considered, it would be felt that it could be safely adopted, and that there was nothing in it could occasion serious alarm.

Mr. *Adam* only begged, after the observations he had made on a former night, to say a few words. When a proposition for affording relief to our colonies was introduced some years ago, it was only proposed that it should exist from year to year, and should not be a permanent but only a temporary accommodation. Now, however, the case was different: sugar was now proposed to be brought into the market as a competitor with corn, and that great consumer of corn, the distilleries, was allowed the option to chuse between them. This was a new æra introduced into the law of this country, so far as our agricultural interests were concerned, and one, too, which he thought ought not hastily to be adopted. His hon. friend the member for Norfolk, than whom agriculture had not a more sincere or better informed advocate, had already pointed out the impolicy of any innovation prejudicial to the interests or to the promotion and encouragement of agriculture. He (Mr. Adam) only objected to this as a new principle; and all he asked was, it might be preceded by a Committee to inquire into the fitness of adopting it.

The Resolutions were read and agreed to.

MUTINY BILL.] Lord Palmerstone moved the Order of the Day for the third reading of the Mutiny Bill.

Mr. *W. Smith* expressed his regret that the clause proposed by his hon. friend last night, was not acceded to, and acknowledged that the objections of the right hon. gent. did not appear to him to be conclusive; at the same time he could not let that opportunity pass of expressing his entire satisfaction at the clause introduced by the learned and hon. gent. opposite (Mr. Manners Sutton). He meant that which added to the original Bill the discretionary power to be vested in courts martial, of sentencing either to corporeal punishment, or to that of confinement. He approved of this clause, because he thought that from the hour of its enactment the condition of the soldier became essentially improved. He thought that those who had suggested it, and those who had acted upon that suggestion, were entitled to the thanks of the army, for not only bettering its condition, but exalting its character. He was glad of it upon this ground, also, that he trusted, and confidently too, that it would lead ultimately to the total doing away of corporeal punishment; indeed, there was no obstacle to that desirable object, but those prejudices which must yield in time. When the army consisted but of 18,000 men, the old peace establishment, it might at that period be composed in no small degree of the idler and more dissolute of the lower orders, but now, when it was so increased as to comprehend a great portion of the peasantry of the country, the discipline that might have been fit for the refuse of streets, was by no means necessary to keep in controul men of a different order. He concluded by again expressing his most marked approbation of the clause.

Mr. *Macleod* was by no means sure that the clause was so unexceptionable. He wished to know the full meaning of the word "imprisonment," was it confinement in the guard-house simply, or in a gaol, or did it mean in the black-hole merely?

Mr. *M. Sutton* thought it better to use the word imprisonment; without limiting the discretion of military regulations, there were barracks and garrisons enough in the country where there could be no difficulty of setting apart a room for that purpose.

Mr. *Macleod* said, that in case a guard-house were the prison, he hoped the imprisonment would be solitary.

Sir *T. Turton* approved of the clause.

The Bill was then read a third time and passed.

HOUSE OF LORDS.

Wednesday, March 13.

INSOLVENT DEBTORS' BILL.] The House having resolved itself into a Committee on the Bill respecting Insolvent Debtors,

Earl *Stanhope* rose to express his dissatisfaction with the provisions of the Bill, the principle of which he was, notwithstanding, anxious to support. To many of the different clauses of the Bill, he had strong objections. To the first clause in the Bill, that which went to the appointment of only one person to preside in the proposed court, he must particularly object. He should prefer the suggestion offered on a former occasion by a noble and learned lord, that three or four persons should be appointed instead of one; simply for this reason, that where three or four presided, justice was more impartially and properly administered than where only one presided. Besides, it was well known that the time and attention of the Lord Chancellor were otherwise so much engrossed, that he could not; indeed, it was impossible for him to give the time and attention it required, to the transaction of the bankrupt business. He should therefore imagine, that if three or more fit persons were appointed to the court proposed by this Bill, the business of bankrupts might be safely transferred to that court, and thus relieve the Lord Chancellor from that weight of multiplied business by which it was evident that the noble and learned lord must be encumbered. He had also to object to the clause which proposed an oath, in the first instance, to be taken by the debtor, instead of allowing him to give in a statement of his effects, which he might afterwards be called upon to confirm by oath. To take the oath in the first instance, when recollection might not serve him to state minutely and accurately the exact number of his creditors, the sums which were respectively due to them, &c. together with a detailed and correct account of his own estate and effects, would have the effect of making him liable to perjury, or at least to the suspicion of perjury. The form of the oath was, besides, too long, and might be wholly unintelligible to that class of persons, Poor Debtors, by whom it was to be taken. Here, moreover, was an unnecessary addition to the many oaths, Excise oaths, Custom-house oaths, &c. which but too much familiarised people with that sacred and awful declaration, on which was known to depend the life, the property, and the character of individuals. A schedule delivered in by the debtor of his effects, appeared to him to be the more simple and effectual mode, the correctness of which schedule he might be afterwards called upon to confirm on oath. The noble earl also objected to the clause which obliged the debtor to remain in gaol three months before he could avail himself of the provisions of the Bill. He thought it better to allow him immediately to give notice of the state of his affairs, as, in that case, the creditor would have the full advantage of a three months' notice, while the debtor would not be unnecessarily detained beyond that period. These suggestions he took the liberty of throwing out as expressive of his own opinion, though he would not take the sense of the House on the amendments which he intended to propose. The noble earl concluded with moving his first amendment, that "three, instead of one fit person," be appointed to preside in the proposed court.

Lord *Redesdale* was not very tenacious of the provisions of the Bill, as they now stood, so as the suggested Amendments did not trench on the principle, or depart from the precedent, on which the Bill was framed and founded. He could see no necessity, at least no immediate necessity, for the appointment of three, instead of one fit person to preside in the court. If one person should be found competent to the task it imposed, why appoint three or four, especially at a time when economy was so necessary, and so frequently inculcated; for it could not be expected that a person, qualified for the discharge of such important functions, should bestow his time and labour on the discharge of such functions, without an adequate remuneration? That remuneration must be extended to three instead of one, if three instead of one were to be employed; and thus the burden on the public would be unnecessarily trebled. As to the objection of proposing an oath in the first instance, he could see no foundation for it. In framing the present Bill, he had constantly in his eye the provisions of former Insolvent Acts, in all of which a similar oath was prescribed. Indeed, without some guard and sanction of that nature, he was at a loss to see how too wide a door might not be opened to the fraudulent instead of the unfortunate debtor, or how the justice that was due to the honest creditor could be fairly and uniformly maintained. The oath, besides, could not make any man liable to perjury, unless where the oath was deliberately and corruptly taken with evident intention to defraud. For these reasons, he thought the clauses of the Bill justified by the motives and the precedents on which they rested; as far, however, as he could alter them consistently with the views he had taken of their propriety, he would willingly alter them on the better suggestions of any noble lord. He had himself many Amendments to propose in the Bill, and would therefore be the more prepared to listen to the Amendments proposed by other noble lords.

Earl *Stanhope* complained that he had been misrepresented by the noble and learned lord, and that to many of his objections no answer whatsoever had been given. He would still insist that it was absurd in the first instance to propose an oath, for though it might not have the effect of making the debtor perjure himself, it would lead him to forswear himself, which, in his opinion, was making light of the most serious and solemn obligation by which it was possible for man to bind himself.

Lord *Holland* agreed that there was much weight in many of his noble friend's observations, but they could not induce him to endanger the passing of the Bill. He was so wedded to the principle of it, that he would overlook many imperfections in it, rather than not have something of what it aimed at. If absolute perfection could not be immediately attained in such matters, what was less objectionable should in the mean time be adopted, until they might gradually arrive at that perfection which every noble lord must feel to be so desirable.—He should not therefore oppose the Bill, hoping however that the noble and learned lord who brought it in, would exert his abilities to render it as unobjectionable as possible.

The *Lord Chancellor* supported the arguments of lord Redesdale. He thought the proposing of an oath in the first instance the only practical mode of proceeding under all the circumstances of the case. How else could any thing like correct statements be expected to be given in by debtors, who, in the different and distant prisons of the country, could not be examined as to fair or unfair statements of the amount of their effects in the chief towns of their respective counties? Ought it not moreover to be a national consideration with their lordships that no facilities should be afforded to the prejudice of the honest creditor?

Lord *Holland* complained of the expression "the honest creditor," as if it insinuated that those who felt for the unfortunate debtor had lost sight of the claims of the honest creditor.

The *Lord Chancellor* disclaimed any intention of imputing such motives to any noble lord; and observed, that as the noble and learned lord who brought in the Bill had many amendments to propose, whether it might not be better to allow that noble and learned lord now to propose his amendments, than to have the Bill, as amended by him, printed, and afterwards to re-commit it as thus amended, for the further consideration of their lordships.

After some further observations, the suggestion of the Lord Chancellor was adopted. The House resumed. The Bill, as amended, was ordered to be printed, and to be re-committed on a future day.—The House next resolved itself into a Committee on the Arrest Bill, when a similar mode of proceeding in it was adopted.

HOUSE OF COMMONS.

Wednesday, March 13.

Informations Ex Officio for Libel.] Lord *Folkestone* said, that as the time was arrived when the notices should come on, and the members most particularly concerned in his intended motion upon the subject of *Ex Officio* Informations, were not in their places, he should move that the House do now adjourn, at the same time giving notice that he would bring forward the same motion on Thursday, (to-morrow.)

Mr. *Bankes* was of opinion that a considerable degree of inconvenience would result from agreeing to the motion of adjournment, as there was some public business standing for this day, which ought not to be impeded in its progress through the House.

Lord *Folkestone* said, that the ground upon which he made the motion was the nature of the new arrangement. He had given regular notice that on this day he should bring the subject of *Ex Officio* Informations by the Attorney and Solicitors General under the consideration of the House. This was the day when, according to the new arrangement, notices took place of orders, and yet though it was now five o'clock, the gentlemen were not come down, and several notices were gone through.

The *Chancellor of the Exchequer* said, he was sure that the House would not agree to an adjournment in the present instance, as he had himself given notice of a motion upon Exchequer Bills. If the noble lord thought proper, he might postpone his motion to a future day.

Mr. *Abercrombie* thought, that no member should omit an opportunity of exposing the inconvenience resulting from the late arrangement introduced by the Chancellor of the Exchequer. It was generally understood that Wednesday was not a day of business, and the absence of the Attorney and Solicitors-General had placed the noble lord in an extraordinary situation, for he must now postpone his motion until after the orders of the day were disposed of, or bring it on in the absence of those gentlemen who were principally interested in the discussion.

Lord *Folkestone* agreed to withdraw the motion of adjournment, and said, that in the course of the evening he would name a day for the motion he had noticed for this night.—The noble lord afterwards gave notice, that it was his intention to persist in his motion to-morrow.

The *Attorney General* said, he was sorry that in courtesy to him the motion of the noble lord had been postponed; he was unavoidably detained to that moment, and it was the first time that such a thing had happened to him.

Funded Exchequer Bills.] The House having resolved itself into a Committeeo Supply,

The *Chancellor of the Exchequer* said, that it was not his intention to enter into any lengthened discussion at the present moment; if it should be thought necessary that such discussion should take place, an opportunity would occur in some future stage. He should now state the sum to be funded in Exchequer Bills, the day in which tenders should be received, and the amount to be paid in stock. He was desirous of trying this year, whether the funding in the five per cents. might not be carried to a greater extent that it was last year. The amount was then 8,000,000, which he should change in the present year to 12,000,000. He should propose that all bills issued from the 1st day of April 1810, to the 16th day of March, 1811, and carried to the Exchequer between the 21st and 27th of this month, should be entitled, for every 100*l.* sterling, to 103*l.* 14*s.* 7*d.* out of the 5 per cents. At the period of the last loan the 5 per cents. were in the morning of that day at 97, since then there was no great change. This day they were 97¼. Calculating the sum at 101*l.* 7*s.* 4*d.* and the interest at 7*s.* the person would have a bonus of 14*s.* This he trusted would be considered sufficient encouragement. He concluded with moving two Resolutions, the first providing, That every person who brought bills issued from the 1st of April 1810, the 16th of March 1811, and carried the same to the Exchequer between the 21st and 27th of this month, should be entitled to receive, for every 100*l.* 103*l.* 14*s.* 7*d.* the interest commencing in January last, to be paid out of the consolidated fund. The second Resolution provided that the issue of Exchequer Bills should not exceed 12 millions.

After a few words from Mr. Baring, the House resumed, and the Report was ordered to be received to-morrow.

HOUSE OF LORDS.

Friday, March 15.

Mutiny Bill.] On the order of the day being read,

The Duke of *Norfolk* asked if there was any alteration in the Bill since last year?

The Earl of *Liverpool* stated, that the only material alteration was giving a discretionary power to Courts Martial, either to inflict corporal punishment, or to sentence to imprisonment.—The House then resolved itself into a Committee on the Bill.

The Earl of *Radnor* suggested an alteration in a part of the Articles of War, which, however, he did not mean to press at the present moment. By one of the Articles, the Judge Advocate (in cases where there was no private prosecutor) was directed to prosecute at Courts Martial in the name of his Majesty. The Judge Advocate was also the adviser of the court. It happened in one instance within his knowledge, that there was an argument on a point at a Court Martial, between the Judge Advocate, who was the prosecutor, and the counsel for the prisoner, and the court being about to deliberate upon the point, strangers were ordered to withdraw, and the counsel for the prisoner was, of course, obliged to retire, whilst the Judge Advocate remained. He thought in such cases it was scarcely possible for the Judge Advocate to do his duty. His object, therefore, was to propose that every warrant constituting a Court Martial, where there was no private prosecutor, should also appoint a prosecutor, distinct from the Judge Advocate.

The Earl of *Liverpool* observed, that the practice generally was to appoint a prosecutor, if there was no private prosecutor, and that at all events the Judge Advocate had no right to vote at the court. He would, however, make inquiry, and consider the noble earl's suggestion.

The Earl of *Radnor* then suggested the expediency of altering the clause respecting the period of bringing offences before Courts Martial. At present it stood that no Court Martial could be held respecting any offence which appeared to have been committed more than three years before. This time, he thought, was, in some instances, too long, and in others too short. He proposed to reduce it to a year, with respect to Courts Martial summoned by subordinate authorities; that it should be three years with reference to Courts Martial directed by his Majesty, giving a larger period, extending to five years, in distant parts.

The Earl of *Liverpool* promised to make inquiry, and to consider the suggestion by the next stage of the Bill.

The Earl of *Rosslyn* thought the period of a year would be in many cases too short, as evidence could not probably be obtained, particularly respecting matters of account, within the time.

Earl *Stanhope* rose to propose a separate clause to the Bill, of the justice, policy, and propriety of which, he was confident that every noble lord must be sensible. The clause which he should have the honour of moving would go to rescue a very numerous class of men from the most despotic tyranny, the most desperate oppression which was ever attempted to be exercised over human beings. Their lordships must be aware of certain circumstances which, from their recent occurrence, it was unnecessary for him to state, which made the adoption of the clause he had in view, not only expedient, but absolutely necessary. Their lordships must bear in mind, that nearly the half of the British navy and army was composed of dissenters from the established church, that those dissenters amounted in number to four or five millions of persons, if not more; and that the House must be sensible of the serious consequences that might ensue from any severe and unjust measure that should affect so large a class of the community. He would not now repeat the expressions and distinctions made use of in discussions of this topic by the Noble Secretary of State. It was his wish and intention to keep clear of every thing irritating and exasperating. It should, in his humble opinion, also be the wish and study of ministers to abstain from all measures of an irritating and exasperating nature, and it was with a view to afford them an opportunity of manifesting such a disposition that he should move the clause he had prepared. Could their lordships perceive any thing more cruelly tyrannical, more insultingly oppressive, than that a large class of men, the Roman Catholics, for instance, or any other description of dissenters, should be compelled to adopt a mode of worship of which they did not approve, or be prevented from pursuing that which their conscience represented to them as the best; yet such practices had prevailed. And here he could not but refer to that admirable letter of lord Harrington on this subject, which shewed that noble earl to be as honest as he was an honourable man; and which so justly discountenanced such a practice. What would their lordships, who were Protestants, say, feel, and think, of a regulation, by which they were compelled to go to mass, and join in a worship which they were taught to consider as idolatrous? If their thoughts and feelings would justly be indignant at the idea of such a compulsion, must they not confess that the minds of the Catholics, under similar circumstances, would, with equal justice, revolt at the idea of such an attempt at oppression? They would no doubt recollect, that the essence of justice was to do as we wished to be dealt by, and they would act on the principle of that fair recollection. He did not see upon what just grounds any noble lord could object to his clause; but if it were objected to, he should take the sense of the Committee upon it. The noble Earl concluded with moving a clause to the following effect:—That no Roman Catholic or other dissenter, be compelled to attend a mode of worship of which he did not approve, or to be prevented or hindered from following that of which he did approve.

The Earl of *Liverpool* did not see the necessity of the clause, or the propriety of the mode in which the noble earl would have it introduced in the Bill. Previous to the letter to which the noble earl had alluded, and as far back as 1802, the strictest orders had been issued by the authority of the illustrious person, then Commander in Chief of the Forces, that no compulsion of the nature condemned by the noble earl, should in any case be resorted to, and such, since that period, had been the uniform practice in the army. To insert a clause, therefore, of the nature of that proposed by the noble earl, would be to call in doubt the sincerity with which such orders had been issued, and give countenance to an insinuation that such orders had not been duly attended to. Than such an insinuation, nothing could be more unfounded. Government had, ever since the issuing of these orders, been vigilantly observant of their due and uniform execution, and the circumstances, at least one of them, alluded to by the noble earl, had no reference to the present case, and was not occasioned by a wish or attempt to enjoin any particular place or mode of worship, but was the punishment usually inflicted upon a man who, on the march from the parade, should be found out of the ranks. Such was the case and the punishment referred to by the noble earl; and it must be obvious to their lordships that it was not in point.

The Marquis of *Lansdowne* acknowledged such to be the disposition and the practice of government both here and in Ireland, but still he did not see the fairness of the noble Secretary's argument, that, by admitting the proposed clause, that disposition would be called into doubt. Such he could not conceive to be the nature of a legislative declaration such as that proposed by his noble friend. On the contrary, the object of such declarations was not to give rise to, but to remove doubts, if any such happened to exist. He felt how very important was the point now under discussion. Their lordships would not forget that the part of the United Kingdom to which it chiefly referred had long been most productive for the recruiting service, and promised to be still more, and the demands for that service were more likely to increase than diminish. Of what importance, therefore, was it that no impediment or discouragement should exist in a part of the United Kingdom so resourceful, in this respect, to the success of our military means. If any doubt should exist in so delicate a point as that of conscience as to modes of faith and worship, should not every care and attention be used to remove them? And how could they be more effectually removed than by enabling the recruiting serjeant to refer to the present Bill, and point out the particular clause in it which guaranteed to every man the free exercise of that faith and worship to which his judgment and conscience gave the preference? In this view of the question, he thought the clause moved by his noble friend, was just, expedient, and politic; and it should therefore have his hearty concurrence.

Earl *Spencer* could not but consider the clause as unnecessary. He happened to have been in a situation which enabled him to know that the orders issued at that time by the commander in chief had been strictly attended to; and that they had since been executed with equal strictness and attention. As long therefore as they were punctually executed, he was not aware of the necessity of any legislative measure in this respect; but as he approved of the principle of the clause, so would he be ready to support it any time when he should see a fair necessity for its adoption.

Earl *Stanhope* briefly replied. He said he exulted in having brought forward a clause, the principle of which no noble lord had been hardy enough to question, and to have gained this point was to him matter of great triumph, and would be felt as such by all honest, impartial, and reflecting men. That consideration alone was fully sufficient to induce him to persevere in his motion.

The Committee then divided on earl Stanhope's amendment:

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The remaining clauses of the Bill were then agreed to.

HOUSE OF COMMONS.

Friday, March 15.

Navy Estimates.] The House having resolved itself into a Committee of Supply,

Mr. *Yorke* rose for the purpose of moving the necessary resolutions for defraying the expences of those naval grants, known by the name of the Ordinaries and Extraordinaries of the Navy; the wear and tear, including the number of seamen with the attendant expences, all the miscellaneous grants, &c. having been already voted. In addition to the Ordinaries and Extraordinaries, he should have the honour to propose a vote for the Transport service. It would have been unnecessary for him to intrude longer on the Committee at present, had it not been for a difference in the form of the Estimates of the present year. He would state the principle on which that change of form proceeded; and particularly as it applied to the Ordinary Estimates. The change had been in consequence of an act of last session, by which a great, and, in his opinion, an excellent alteration had been prescribed. Heretofore it had been customary to state in the various Ordinary Estimates the charges for pensions and superannuations under each head; the consequences of which were, a difficulty and confusion in discovering the total of that branch of expenditure. Not only had the form been confused, but many items had been omitted, and the Estimates had therefore not afforded the full information which was desirable. There was another circumstance also to which he wished to draw the attention of the Committee. Several charges for superannuation, &c. had heretofore been defrayed out of the fund created by the sale of old stores. By the act of last session it had been very judiciously directed, that henceforward all sums raised by the sale of old stores should be brought to account, and that the charges, which it had been customary to defray out of that sale, should be introduced in the Ordinary Estimates, and distinctly voted under their respective heads. With a view to the provisions of the act of last session, the present Estimates had been formed; and although they might not be completely correct in all their parts, he yet flattered himself that the errors were not very numerous or very material, and that they might be wholly avoided in the course of another year. Having said thus much, he would proceed as briefly as he could through the different heads, stating generally the increase or diminution of charge, and should then hold himself ready to afford any further information on the subject, that might be required by the Committee.

The first was the Ordinaries, which he reduced to three distinct divisions; the first, he meant, should include the salaries and expences of the civil department, together with the expences of the dock-yards, the principal officers, and commissioners; as also the salaries of the commissioners of the out-ports, and the different officers of the civil department now upon foreign stations; also the wages and victualling of the ships in ordinary, together with all the civil charges thereunto belonging. The second head should comprehend the half-pay of the navy, and also the military pensions, as distinguished from the civil pensions. The third head should include the superannuation, or the amount of salaries given to officers retiring from the civil department. He should now, before he proposed his Resolutions, shortly enumerate to the House the total expences for each of the two last years in each department, that the Committee might be enabled to compare at once the excess or decrease of each year in each particular branch of the different Estimates, accounting as he went along for the augmentation, where any such had occurred to any considerable degree.

First, then, the total amount of the expences of the Admiralty and Navy Offices for this year, amounted to the sum of 176,525*l.* while those of last year did not exceed 174,087*l.* leaving an increase under this head for the present year of 2,438*l.* This increase was owing to the additional salaries and charges in lieu of the fund arising out of the sale of the old naval stores, which fund was now no longer applied to defray the expences of those offices. The increase was also owing to the addition made to the salaries of the clerks. The next head was that of the Dock-yards. The charge under this head, for the year 1810, amounted to 175,558*l.*: for the year 1811, it amounted to 181,782*l.* Here there was an increase of 6,224*l.* which was owing to an augmentation of salary to the watchmen and guards in the Dock-yards, together with an increase of their numbers. The next head was that of commissioners of out-ports and civil officers on foreign stations. Under this head the charge for the last year was 38,423*l.*; for the present, 47,935*l.* leaving an increase for the present year of 9,512*l.* With respect to Officers' Salaries, 2,540*l.* went to defray the salaries of the masters-intendant of Gibraltar, Jamaica, and Lisbon; there was also an additional sum of 2,000*l.* for the commissioners of Bombay and Madras, 1,000*l.* each. The charge of ships in ordinary for the last year was 17,679*l.* for the present, 44,672*l.*; this great increase was owing to the paramount necessity of completing certain dock works, and erecting cranes at Deptford, Plymouth and Portsmouth, which were much wanted; great, however, as was this excess, it was counterbalanced by a corresponding saving in the victualling department. The charge of the Victualling Department for the last year amounted to 131,395*l.* whereas that for the present year amounted but to 111,163*l.* making a saving for the present year of 20,232*l.* a saving which he thought highly creditable to the victualling board.

He now came to the second head of the Ordinaries, namely, the half-pay military pensions, &c. The estimate for the half-pay of the present year was 270,000*l.*; last year it had been 250,000*l.* There was therefore an augmentation of 20,000*l.* owing to a greater number of officers being unemployed at the present period. In the estimate of military pensions, &c. there was an excess over the similar estimate of last year, amounting to 4,422*l.* arising from a great number of small items, chiefly pensions granted to wounded officers, to the widows and children of officers, &c.—The third and last head of the Ordinaries was the superannuations of pensions to the civil officers of the navy. In the estimate for the present year would be found a vast number of items not included in the estimates of former years, and comprehending a large proportion of those charges which had hitherto been defrayed out of the fund arising from the sale of old stores. The apparent excess was necessarily considerable. The estimate of 1810 had been 23,683*l.* the present estimate was 42,822*l.*; so that there was an increase of 19,139*l.* So much for the Ordinary Estimates of the navy, which altogether amounted to 1,578,413*l.*

He would now proceed to the Extraordinaries, consisting of the expences in the King's yards, of the repairing and building of ships in merchants' yards, and of various works in different yards. By a difference of arrangement in the form of the estimate it would be found, that in the charge for the King's yards, although the items were of the same description as those in the estimates of last year, there was a decrease of 53,660*l.* notwithstanding in the item of Milford there was an excess of 5,418*l.* In the estimates, however, of building and repairing in merchants' yards, and of works in the dock yards, there was a very great increase, owing to the necessity of completing several ships which had for some time been seasoning; to the works which were carrying on at Sheerness; and to the proposed wet dock at Malta, which last item alone was 10,000*l.* The increase in these estimates of building and repairing in merchants' yards, and of works in the dock-yards, was 208,193*l.* The total of the extraordinaries of the navy amounted, for the present year, to 2,046,200*l.* In 1810, the total had been 1,841,000*l.*; the increase, therefore, was 205,200*l.*

The next Estimate to which he should direct the attention of the Committee, was that for victualling the army at outports and foreign stations. That estimate for last year had been 854,314*l.*; for the present year, it was 1,113,894*l.* There was an increase, therefore, of 259,580*l.* which was attributable to the large force employed abroad.

The only remaining subject of consideration was the Transport Service. The estimate of the present year for this service very much exceeded that of 1810. This excess arose from two causes: the first, the great augmentation of prisoners of war, and the necessity of providing proper means for their security and maintenance; the second, the increase which had taken place in the salaries and contingencies of the Transport office. The Estimates for the present year were as follow: for Transports, 2,752,662*l.*; for Sick and Wounded, 352,462*l.*; for Prisoners of War, 924,336*l.*; and for Salaries, Stationary, &c. 33,538*l.*; making a total of 4,062,999*l.* Having thus gone through the whole of the Estimates, he should sit down, expressing his readiness to explain any points that might be considered as obscure. The Estimate of the Ordinaries of the Navy was 1,578,413*l.*, but as this account must be credited with the sum arising from the sale of old stores, &c. he should propose a Resolution including only the balance. He therefore moved, "That it is the opinion of this Committee, that a sum not exceeding 712,041*l.* 18*s.* 6*d.* be granted to his Majesty for defraying the ordinary expences of the Navy, for the year 1811."

Mr. *Hutchinson* wished to call the attention of the Committee to the services of that brave and valuable body of men, the Royal Marines, whose courage and fidelity, whether afloat or ashore, had ever been proved in the strongest manner, and justly entitled them to the protection of the community. The officers of the Royal Marines did not possess the advantages enjoyed by the officers of the army. There were 35,000 marines, but only 43 or 44 field officers. Now the Artillery (which was a corps analogous in character), consisted of only 17,000 men; but there were more than double the number of field officers than there were in the marine service. Many of the senior captains of the royal marines had served 32 years; 17 of them as subalterns. There was not a captain in the artillery who had served more than 16 years. It was a great mortification to many of the officers of this valuable corps, to see a number of individuals admirals and generals, who were not in the service when they first entered upon it. It might be said, that owing to the few marines that were embarked in each ship, a small number of field officers was sufficient; but, in reply to this, he would ask, whether all officers in the navy and army, who were promoted to the rank of admiral and general, were so promoted because it was necessary to employ them? It was impossible but that this meritorious body of men must experience the greatest disappointment at not obtaining that which was the strongest stimulus and the dearest hope of the military profession—promotion after long and arduous service. He trusted that the Admiralty would be disposed to consider their claims, and to afford to them the relief which was their due.

Mr. *Yorke* cordially coincided in the sentiments of the hon. gent. with respect to the persevering gallantry and extensive utility of the royal marines. By the statement of the hon. gent. it would appear as if that corps, having been once on a similar footing with the army, had recently been placed in a situation of inferior advantage. The fact was, however, that they had been many years on the same footing as that on which they were at present. Respecting promotion, it ought to be considered that the officers of the Royal Marines were not permitted to purchase any of their commissions, as the officers of the army were; but as to rank, he was much misinformed if that did not keep pace with the standing of the marine officer, and if he did not by brevet rank with the major and with the colonel of the land army. However great his sense of the merits of this valuable and highly respectable corps, yet it appeared to him, from the nature of their service, that it would be impossible, with a view to public economy, by any great increase of field officers, to place them on the ame footing as the officers of the army, and that for the cause hinted at by the on. gent. namely, that the services of field officers on board a ship were not necessary. At the same time it had been under the consideration of the Admiralty to find some means of augmenting the number of field officers in the royal marines, although he feared that it would not be possible to go the whole length wished for by the hon. gentleman.

Mr. *Wilberforce* had been informed that the widows and orphans of that valuable corps, which had been mentioned in the course of the debate, were not provided for the same as those of the navy. He wished for some information on the subject.

Mr. *R. Ward* said a fund had been formed for their relief, called the Widow's Fund, and they had certain allowances beside.

Mr. *Huskisson* spoke strongly in favour of the system lately introduced of transporting soldiers in ships of war. He wished to know how far it had been acted upon, and what advantages it was found to possess over the old system of hiring transports? the new system he hoped would be acted upon as far as it possibly could, seeing it afforded a greater degree of safety to the troops. The next head on which he wished to speak was the practice of building king's ships in merchants' yards. He wished to know if in the present state of things it was necessary to continue the expences so incurred? It was now proposed to keep in commission six first-rate ships of the line; nine of the second, and 114 of the third; that was, six carrying above 100 guns; nine carrying above 74; and 114 carrying not under 74. Besides these, there remained in ordinary 117 sail of the line, reckoning no ships of the line that carried less than 74 guns, and including those building and repairing, in addition to a navy which would require 145,000 men to man it.—The total amount of the ships of the line in ordinary would be no less than 147. He merely wished to ask, if, under existing circumstances, it was necessary to continue to increase our navy in this proportion? At the breaking out of the war in 1793, when France had 80 sail of the line, and the fleets of Spain and Holland were opposed to us, we had but 120 sail of the line. When hostilities last broke out after the Treaty of Amiens, France had but 50 ships of the line. Of these, he thought, half had been taken or destroyed, and if her present fleet, with the fleets of all the other powers of Europe, should appear combined against us, he thought they could not bring against us half the number with which we were prepared to meet them. In the course of the last war, 25 ships of the line were launched. In the present we had already launched 35, and there were, besides, from 30 to 40 building. When he considered that, in addition to those we had in ordinary, another navy equal to that at present afloat, it appeared to him that we might possibly be building ships faster than was necessary. When he recollected that at a period, when, from the then state of Europe, Great Britain had so much more to watch than at present, that the expenditure of 15,000,000*l.* and the maintenance of 120,000 men, were thought sufficient to uphold the interests of the country, he trusted he might be excused for entertaining the idea he held on the subject. Feeling this, he thought that more time might be allowed to the bringing ships to perfection in building, and that if the building of them were confined to the king's yards, the interests of the country would be best consulted.

Mr. *Yorke*, without at present entering at large into the question, stated it to be his opinion, that the substituting of king's ships for hired transports to a certain extent, was highly advisable. Whatever might be said against this system, on the score of economy, it was so strongly recommended by the safety and expedition which attended it, that it was constantly being enlarged upon from time to time. At present there were 14 ships so employed, two of which were two deckers, and the others large frigates. It was now so arranged, that when a ship was paid off, it was asked if it could go to sea no more as a ship of war? and if it could not, whether or not it would make a troop ship, and what would be the expence? The principle had been carried so far within the last year, that 10,000 infantry had actually been transported in ships of war. He flattered himself, from the present state of the service, that many difficulties which formerly stood in the way were got over, and that they would never be revived; and he could not see why, under such circumstances, they might not continue to extend the principle. With respect to the building of ships in merchants' yards, he had to state, that for some time past new works had been suspended. Those which stood in the present estimates, were only those to be completed, which were ordered some time ago. No new orders had been given, and such arrangements had been made that the building of large ships in the yards of merchants would at least be postponed. Some frigates, he must admit, had been ordered to supply a deficiency caused by a recent transaction. —He would now give some explanation why, in the present reduced state of the enemy's navy, it was necessary for this country to keep so many ships ready to act upon occasion. The circumstance of our being constantly under the necessity of being prepared to face the enemy in all parts of the globe, rendered it imperative upon us to keep up our numerical superiority. The plans of Buonaparté for establishing a formidable navy, when the extent of his means was considered, furnished a new motive for our keeping up our force, that we might be ready to meet and to crush his squadrons whenever they should come out. He had already 54 ships of the line ready, or nearly ready, for sea, and 44 frigates. In addition to these, according to the most accurate accounts they could get, he had building, and in ordinary, 46 sail of the line, which made the total of his navy amount to 110 ships of the line, and 44 frigates. A prodigious force, when the point to which it was directed was taken into consideration. His hon. friend was not quite right in his suppositions respecting the number of ships in commission. Their number did not exceed 100 ships of the line, including sixty-fours. With respect to the amount of the ships in ordinary, though their number might at present be large, it would shortly be greatly diminished. An order had been given to break up the ships of war, frigates, and sloops, that could not be put in repair, as it was the worst policy to keep such by in ordinary. This measure was now in operation, and, from its progress, he hoped shortly the expences of the ordinaries would be less. When new ships could be laid up in ordinary, and seasoned before they went to sea, it did them infinite service. The ships to be launched were intended to be so laid up, and when the time came at which it would be necessary to reinforce the British navy, it would be so reinforced as to maintain that superiority which was necessary to the vital interests of the country.—We ought not merely to have a numerical superiority, but we ought to have such an imposing superiority, that the enemy could not even hope for success, or if he did entertain such a hope, our power should be such as to crush it at once.

Mr. *Huskisson* expressed satisfaction at finding that king's ships had been made use of as much as possible. He was glad to see that every attempt was making to keep down expence, and that a considerable diminution of the number of ships in ordinary had already taken place.

Sir *Charles Pole* said he had never heard so clear and satisfactory a statement as that of the right hon. gent., and thought there was as little to observe on the present Estimates as on any that were ever produced in that House. If we had 145,000 men, an increase of expence was not to be avoided. In several of the articles there was a considerable increase of expence, but they all carried with them some public benefit worthy of the expence by which it was to be purchased. There appeared in the Estimates no unwarrantable superannuations and pensions, as had frequently been seen in former Estimates. He thought it very much to the credit of the First Lord of the Admiralty, that he had employed a battalion of that corps which deserved so well of the country, within the last year, in a manner in which they had never been employed before. He hoped the plan in agitation for improving Plymouth Sound would shortly be acted upon, as it was most essential that something like good anchorage should be afforded to the convoys which assembled there. The service of the public, he thought, would not admit of ships of war being only employed as transports, as it would be attended with double expence. He could not but hope that something would be done towards making the long-talked of harbour at Northfleet. At present we had no place to receive the ships that came in from all parts of the world; and such a place, in the present state of Europe, ought to be regarded as a *sine qua non*. The steps taken to provide for the clergy of the navy were such, that he could only congratulate the right hon. gent. on them. The right hon. gent. had, in his opinion, inspired the service with a confidence that was a tower of strength to the country. But at the same time, the hon. baronet said he could not but lament that the delays and consequent abuses of the Court of Admiralty was still a blot which required to be removed.

To elucidate this, he exemplified, as one of the many instances, the blockading squadron under the orders of lord Duncan, in 1799, which had captured several ships that were acting in defiance of the blockade, that the proceeds of the ships so captured at that period were not distributed at this moment. It was important to the country that such evils should be prevented, and justice required that they should be done away.

Admiral *Harvey* thought the use of ships of war instead of transports most economical. If they cost three times as much as transports, they were still ten times as cheap. The safety and expedition with which they conveyed the troops was of great consequence, and the means they afforded of frustrating the designs of the enemy could not be too highly appreciated. They had had a proof how superior they were to transports, the other day. While our transports were weather-bound at Falmouth, some men of war went out, and before the reinforcements could sail, we had information that one of those ships had entered the mouth of the Tagus.

Mr. *Croker* rose to explain one item of the Estimates. The salary of the First Lord of the Admiralty was not exactly what it appeared to be there. He then proceeded to shew the manner in which it had been formerly stated in the Estimates, and the funds from which it had been paid. He concluded by informing the House, that his right hon. friend, in consideration of his holding another situation, had declined taking the full salary, and given up annually 3,000*l.*

Mr. *Wilberforce* spoke in favour of the adoption of the Naval Arsenal at Northfleet.

Mr. *Yorke* said, the plans respecting the harbour at Northfleet and the breakwater at Plymouth Sound, were under consideration, and the result was likely to be favourable to their adoption. Though under consideration, he was not at present authorised to include either in the Estimates, and it might be necessary for him hereafter to come forward with a Supplementary Estimate. He thought it highly desirable to have some depot for shipping in the River Thames, but at the same time he was not prepared to say they ought at once to go to the extent of the plan proposed. It might be begun on a great general plan, and carried on by degrees, as the circumstances and means of the country would admit.

Mr. *Bastard* made an observation on the circumstance of the Commander in Chief of the Channel Fleet not having been out for two years.

Mr. *Yorke* explained the circumstance as arising from causes connected with the gallant attack in the Basque Roads.

Mr. *Bankes* thought, under the present circumstances, some attempt might have been made to reduce the Navy Estimates this year. The experiment might have been made with little danger. When it was considered how much there was of resource in national wealth, it must be felt that if our expences continued to increase, as in the present Estimates he perceived they did to the amount of between one and two millions, our finances would at last be found weak. He wished the House to be on their guard against dilapidating the resources of the nation.

Mr. *Yorke* said, it was to be hoped our recent conquests would ultimately prove a saving to the country, though they would not warrant a reduction of the present Estimates. It was thought necessary to send out 28 frigates to the Indian seas, to be ready to act in the event of the Isle of France not falling into our hands. Considering the time which must pass before they could be ordered home, it might be expected they would not arrive till the end of the year. They must be provided for in the mean time, and therefore no retrenchment could be made at present. He particularly wished to reply to the assertion of his hon. friend, that the excess of the present Estimates was between one and two millions. He apprehended he would find it was not more than 306,000*l.* when he took into consideration the arrangement which had been made in framing the present Estimates.

Mr. *Croker*, adverting to what had been said with respect to the detention of prize-money, stated, the complaints of every individual were attended to, however trivial the sum; and if the agent were found to have abused his trust, he was deprived of his licence.

Sir *C. Pole* gave a further account of the delays to which he had before alluded.

The *Chancellor of the Exchequer* was sorry no gentleman was present who could give an official account of the circumstances to which the allusion had been made. He must, however, in justice to the individual before whom such cases were decided, declare, that no man could be more anxious to avoid improper delay.

When they remembered how often such things had been satisfactorily explained, the House ought at least to suspend their judgment in his absence. With respect to the Estimates, highly satisfactory as they were, it was unnecessary for him to say much, but he thought if his hon. friend (Mr. Bankes) had had the making of them up, he could not have made them amount to less, with a due regard to the interests and security of the country. It was necessary, in framing them, to consider what might be wanted in all parts of the world. Those wants, he could assure them, would be found much greater than any gentleman could have an idea of, who was not acquainted with the detail. Our naval superiority was necessary to our best interests. Having gained the ascendancy, we ought not now to lessen our force, so that we must again renew the contest for that ascendancy. It was true that with a smaller force than that opposed to us, we had gained the superiority; but it would be unwise to risk letting it be snatched from us again, by failing to preserve a numerical advantage. The burdens which the people were obliged to bear pressed heavy on his mind, and he was conscious they were as severely felt by his right hon. friend.

The several Resolutions were then put and carried.

HOUSE OF LORDS.

Monday, March 18.

Mutiny Bill.] The Earl of Liverpool moved the third reading of the Bill for punishing Mutiny and Desertion.

Earl *Stanhope* expressed his surprise, that, after what had passed on a former night, when the Bill was under discussion, the noble Secretary of State should have brought forward the third reading that night, when those noble lords who took a more particular interest in the question, and who wished to pay every possible attention to the state and concerns of Ireland, were unavoidably absent, and that for the laudable purpose of forwarding the interests of a benevolent Irish Institution. Another business (the Message respecting the Subsidy to Portugal) had on that account been postponed from Monday till Thursday; and he was at a loss to see why a question which more nearly interested the feelings and opinions of the representative peers of Ireland, should not also be deferred till that day. He should therefore move, That the Bill be read a third time on Thursday next.

The Earl of *Liverpool* observed, that as the noble lords to whom the noble earl alluded had expressed no wish of deferring till Thursday the third reading of the Bill, he could see no just ground for not proceeding in the Bill during their absence. Had they intimated such, he should undoubtedly have acquiesced in it, from the usual courtesy observed on such occasions; but no such wish having been manifested, it was unnecessary to interpose any further delay in the progress of the Bill, the more so, as the period of its expiring so nearly approached.

Earl *Stanhope* observed, that within these few years the Mutiny Bill had not passed that House before the 27th March.

The question was then put on lord Stanhope's Amendment and negatived.

Earl *Stanhope* next rose to propose a rider to the Bill, which, in his opinion, contained matter of much importance, and which could not fail of having a most salutary tendency. The ground adduced on a former night by the noble Secretary of State, for rejecting the amendment which he had the honour to propose was, that no fact had been stated to prove the necessity of adopting the amendment. He had remarked at the time that he did not think it necessary to state any facts—that he rested the propriety of his amendment on its justice and expediency, and if he abstained from mentioning facts and names, it was because he felt anxious to forbear from every thing that might tend to irritate and inflame. But as the noble Secretary slighted his amendment because it did not come backed by facts, he should now state a few facts which he challenged the noble Secretary to controvert. The noble earl then read extracts from letters which minutely detailed the case of a private in the Enniskillen regiment, who had been sentenced to perform duty publicly in a turned coat, and condemned to several days confinement in the black hole of the prison for having refused to attend Divine Service, according to the rites of the established church. The case of this private had been communicated by a Mr. Vernon, a barrister, to the earl of Harrington, and almost immediately on that noble earl having received the communication, orders were issued by him for discontinuing such practices, and for faithfully adhering in this respect to the general orders which ong before had been issued respecting he permission to allow Roman Catholic soldiers to attend Divine Service, as performed by the clergy of their own persuasion; and these fresh instructions were issued in terms so clear and significant as to do infinite credit to that gallant, honourable and honest man. These occurrences took place in the beginning of January of the present year.—He should now refer to another case which happened at a remoter period; but which equally went to prove the injustice, the cruelty, and the tyranny of preventing Roman Catholics or other dissenters from following the suggestions of their own conscience in matters of religion, or from compelling them to attend other religious rites, from which their consciences recoiled. This case happened in Sicily at the close of the year 1809. Among the British troops serving in that island, were two regiments which were principally composed of Irish Roman Catholics. They had no opportunity of receiving spiritual instruction or consolation, as though Roman Catholic priests abounded in the island, none of them understood English. It happened, however, about that time, that two Roman Catholic Irish priests were accidentally in Sicily, and to those gentlemen several of the Irish Roman Catholic soldiers applied for spiritual consolation, especially when any of their comrades were on the point of death. Such a request they could not refuse; and they accordingly proceeded to Messina, where the troops were garrisoned, who solicited their ministerial assistance. Would their lordships believe, that the governor of Messina was instructed, by orders from sir John Stuart, not to allow the clergymen to attend the soldiers; and that the clerygymen were even ordered to take their departure from that place, and not to proceed to any place or port where Irish Roman Catholic soldiers were in garrison? Here then, were these unfortunate men deprived of that assistance, which, under the pressure of sorrow and of sickness, can afford relief and consolation to the human mind. On the cruelty and tyranny of such proceedings, it were superfluous to enlarge; he must only say, in justice to that gallant officer, sir J. Stuart, that he did not act from his own impulse, but from the instructions of government at home. To shew the impolicy of such conduct, a word or two would suffice; he already had observed, that the British ranks were principally filled with, and recruited from dissenters, and of the dissenters from the established church, chiefly Irish Roman Catholics. Were their lordships aware how the number of dissenters daily increased? If they were ignorant of it, he would inform them, and shew that for the first 15 years of his present Majesty's reign, there were not in this kingdom more than 3,250 dissenting meeting-houses. In the succeeding 15 years of his Majesty's reign, that number had increased to 6,512 such meeting-houses; and taking into the calculation the period that since followed, the number of dissenting meeting-houses now in this kingdom amounted to no less than 13,100. Of the impolicy and danger, therefore, of alienating the affections of so large and useful a class of his Majesty's subjects, their lordships would no doubt seriously consider. To him, at least, it was an alarming consideration, and in order to perform what he conceived to be his duty under such circumstances, he should now move a Proviso to the Bill, the substance of which was nearly the same as that of the Amendment he had moved in the Committee in the Bill, viz. "That Roman Catholics and other dissenters should be permitted to attend divine worship according to such rites as their consciences suggested, and not be compelled to attend at divine service according to the rites of the Established Church."

The Earl of *Liverpool* was furnished with a sufficient answer to the arguments of the noble earl, by the acknowledgments in his own speech. The noble earl confessed that the only case which was reported to the noble commander in chief in Ireland, met with immediate redress; and that with regard to the case in Sicily, it came to the noble earl in the shape of an *ex-parte* statement, and was confessed to be such by a right hon. member of the other House of Parliament (Mr. Grattan), who was requested to introduce it into his statement on his presenting the Roman Catholic Petition in 1809, but who declined doing so, on finding that it was an *ex-parte* statement. This he conceived to be a sufficient answer to all the observations of the noble earl.

The Earl of *Hardwicke* vindicated the conduct of the Irish government with respect to these matters, both during the five years he had been employed in that country, and also during the government of his predecessor. For the whole of that time he had never heard of any one complaint of the nature now brought forward; and had any such ground of complaint been brought forward, he was sure it would have been instantly removed. He could not but regret that the noble earl who brought forward this question, no doubt with the best intentions, should have glanced at matters, and even made assertions, into the truth of which he had not sufficiently inquired. For under the sanction of such authority, they would go out to the world, and might be converted by ill-disposed men to very mischievous purposes.

The Earl of *Carlisle* complained that ministers had given no better reason, in his mind, a most absurd one, for opposing the noble earl's Amendment, namely, that it would call into doubt the sincerity of government in issuing the orders which were to prevent any obstruction to the free exercise of their religion by the Roman Catholic soldiers. Could a legislative declaration create, did it not rather remove all doubt in such circumstances? and as making the matter clear and intelligible to all the world, it was his opinion that such a legislative declaration should be adopted.

Lord *Clancarty* vindicated both the government of Ireland and England from imputation or blame with regard to their conduct towards the Roman Catholic soldiers.

Lord *Rosslyn* thought it would greatly promote the recruiting service that a general legislative declaration should be adopted, to remove all doubts and hesitations on this very important point.

Earl *Stanhope* briefly replied, and said he should not divide the House on his proposition, as the noble lords connected with Ireland were absent, who, if present, would have strenuously supported him.—The noble earl's proposition was therefore negatived without a division; the Bill read a third time and passed.

HOUSE OF COMMONS.

Monday, March 18.

PORTUGUESE TROOPS IN BRITISH PAY.] The order of the day being moved for going into a Committee of Supply, the House accordingly resolved itself into a Committee; the Prince Regent's Message having been previously referred thereto.

The *Chancellor of the Exchequer* then rose and said, that in rising to call the attention of the Committee to that part of his royal highness the Prince Regent's message, which referred to the subject of granting still further assistance to Portugal, he could not forbear to express a confident expectation that there would not be much opposition made to the motion with which he should have the honour to conclude. Although the proposition which he had last year brought forward on the same subject had met with some opposition, and though the grant which it was in this instance his intention to submit to the Committee amounted to a considerable increase beyond the sum voted last year, he yet conceived, that, in the circumstances under which he made the present application, and considering the alteration that had taken place in the state of affairs, it was not likely that even those who opposed the former grant would be disposed to object to his motion in this instance. The grounds and the motives upon which he had recommended the measure in the last session had been fully and satisfactorily confirmed by experience; and the events which had since taken place had so changed the views and bearings of the question, that if it were now to be decided even by the voices of those who had thought right to object to the measure last year, no opposition, he was persuaded, would be made to its adoption. When last year he had in the discharge of his public duty submitted to Parliament a proposition for granting to his Majesty a certain sum, to enable his Majesty to take into his pay a portion of Portuguese troops, the idea of employing Portuguese troops under British officers, in British pay, and trained to British discipline, was entirely new. There were not wanting those, on that occasion, who were disposed, as the Committee would recollect, to give way to contemptuous anticipations of what might be likely to be the exertions of such troops. There were persons, too, who threw ridicule on the idea of employing at a great expence such a body of men, whose services were represented of little value to the cause in support of which they were to be employed. It had even been then objected, that, in taking such a number of Portuguese troops into British pay, we would be bringing upon ourselves the whole burthen of the Portuguese war, and leaving nothing to be effected by Portugal in the shape of exertion for her own defence, and for her own preservation.

In proposing the measure, therefore, he

ad to encounter the discouraging representations of those who considered it nugatory, or worse than nugatory, mischievous; whilst all he had himself to urge in its support would at best not go beyond conjectures as to its result: but as he conjectures he then entertained and xplained to the House had since been ully realised, and every expectation which he had held forth fulfilled, he trusted it would not now be considered too much for him to claim credit for the grounds upon which he then acted. Though some hon. gentlemen took rather a gloomy view of the case, he must say, that the hopes on the other hand were as sanguine as the despair was deep; but at that time the event was uncertain; they had nothing palpable to fortify their opinions—no fact to urge in support of their arguments. Now however the case was altered; the change which had taken place enabled them to refer to the event in order to shew that all the arguments in support of the former grant had been completely confirmed. The expectations held forth, however sanguine, had been exceeded, rather than disappointed, by the result. Under these circumstances therefore, when experience had proved the propriety of the former grant, and when even the assertion, that to take so large a portion of the Portuguese force into British pay would be to leave nothing to the Portuguese nation to do in the maintenance of their own cause, had turned out to be equally unfounded with the suspicions as to the efficiency of the Portuguese troops, he trusted that the Committee would readily and cheerfully concur in the motion he had to make. With respect to the exertions of the Portuguese government, he could assure the Committee, and upon the most unquestionable authority, that instead of 30,000 men, the number taken into British pay, the regular Portuguese force was not less than 44 or 45,000 men. In addition to this regular force, the Portuguese militia amounted to 40,000 men. When they looked then to the aggregate of this force, the Committee would perceive that the whole of the burthen was not borne by this country. By the measure adopted last session this country had undoubtedly taken a share of the burthen upon itself, but then the statement he had just made must satisfy them, that so far from leaving nothing to Portugal to do, so far from her doing nothing, her exertions had been strenuous, and the assistance she received had not induced her to relax any portion of her own efforts. The Committee must be fully aware of the manner in which the war was waged in Portugal. They must be sensible how much the means of exertion must be crippled by the occupation of a considerable portion of the country by the French army, which, by marching from place to place, must necessarily have intercepted its resources and revenues; and that it was not to be expected that Portugal, so circumstanced, could be able to make the same efforts in the common cause as if no part of her territory was in the possession of an enemy, nor any portion of her means diverted from her disposal to the support of that enemy. If the Committee should be of opinion, that the exertions already made had proved beneficial to the cause, and were desirable to be continued, it would naturally follow, that they must feel the propriety of assisting Portugal largely. This was the view of the case which induced him to think, that those who had differed from him as to the former grant, would concur in the present proposition; and that they would agree, not only to a vote of a sum to the same extent as that granted last session, but that the sum to be voted in the present session should, instead of one, be two millions.

After the short view which he had thus taken of the manner in which the campaign in its progress had realised all the expectations and hopes entertained last session, he was convinced that no doubt could be felt as to one point at least, the propriety of still keeping alive in Portugal that feeling and that exertion, which alone could afford any fair and rational prospect of final success to her cause. Different views, he would admit, had been, and might still be entertained as to the manner in in which the efforts of this country, in support of the Portuguese, should have been directed: yet, however different the opinions might be as to the propriety of the course that ought to have been originally adopted, as we were at present so far advanced in a particular plan of operations, it must be allowed, that nothing could be so weak, so unwise, or impolitic, as to abandon that plan at present for the adoption of any other, which, though it might have been originally better, could now be resorted to but under circumstances of great danger and disadvantage. He was sure, therefore, that, whatever may be thought of the merits of the plan of operations now in progress, no hon. member would recommend to them to retread their steps, and make any alteration in the system hitherto acted upon. He was sure, on the contrary, that it would be felt, that they had been right in their selection of the spot on which to raise the standard against the enemy: a spot upon which we could be best enabled to carry our own operations to the greatest extent with every advantage; and which was at the same time in a peculiar degree inconvenient to the enemy. With all their opinions therefore confirmed by the event, and every expectation derived from the measure realised, he could not bring himself to suppose, that the Committee would not think it right to follow up the plan of operations hitherto so successfully acted upon.

But, here he must beg leave to advert to certain uncandid allusions, which it was the practice of the gentlemen on the opposite side to make to the failure of the expectations supposed to have been entertained by himself and his colleagues on the probable issue of the campaign. It was not fair, he must contend, in hon. gentlemen to state, that either his Majesty's ministers, or those who concurred with them, had ever held out the prospect, that in a short period the French would be driven from the Peninsula; that a victory was considered as certain, or even an ultimate triumph confidently anticipated. Without presuming to throw out such confident views of the issue of the contest, all he had ever asserted on this head was, what he was still ready to repeat, that he entertained a confident expectation that we should be able successfully to defend Portugal against any probable amount of force which the French might be able to employ or bring to bear against that kingdom. It was upon this impression, that the actual scene of operations had been chosen; and it was in the full persuasion of the justice of this expectation, that it was deemed wise to continue the operations there. All that had happened too justified the course which had been adopted; and whilst that was the case, it was impossible for those who thought so with him to alter the opinions which thus had been formed upon the subject. He besought the Committee then to look to every part of the subject—to look to the progress of the campaign, and to the exertions which had been made in the course of it by Portugal; and he would then ask, whether the result had not completely justified all the opinions which in the last session he had advanced? Every public dispatch, as well as every private communication from the army, concurred in representing the Portuguese troops disciplined by British officers as worthy of the instructions they received, and of the example that was set to them. If it were necessary for him to resort to any authorities to establish this character of the Portuguese troops, he need only to remind the Committee, of the observations made by a French general officer, with respect to the conduct of the Portuguese troops at the battle of Busaço. That officer had stated, that he considered it an excellent *ruse de guerre* to disguise the veteran troops of England in Portuguese uniform, in order to entrap the French into an attack upon such troops with a confidence of success against a certainty of failure. That was the best testimony of the efficiency of the Portuguese troops, and of the policy of the measure by means of which they had been brought to that state of discipline.

With respect to the character of the campaign abstractedly, what, he would ask, could be a better proof of its superior merit and value than the language now employed by the enemy? What a higher tribute to its merits, than the alteration of tone so manifest in all the recent publications of France upon the subject of this campaign? We were not now told that the British army shall be driven in a short period of time into the sea. It was not now insolently asserted, that the allies were to be suddenly brushed away on the first appearance of the French armies in the field against them. The language now held, on the contrary, was, that the object of the enemy was to be accomplished, not by decisive action, but by protracted operations; not by sudden and vigorous efforts in the field, but by endeavours to draw down ruin upon our hopes, by the progress of time and the consequent accumulation of expences. This language designated the altered character of the campaign; and upon this ground they were justified in arguing, that the enemy entertained no hope of being able to subjugate the Peninsula, but by driving the British army out of Portugal. This was an operation which they had conceived easy of accomplishment at first; but now, finding their expectations frustrated, and that the thing was more difficult than they had at first imagined, they were obliged to alter their tone. Now, their object was o continue the contest, campaign after campaign, in the hope of being able ultimately to reduce the British Government, in consequence of the expence, to withdraw the British army from Portugal. So, then, after all the treasure expended, and all the blood wasted, in the Peninsula, instead of brushing away the insurgents, who were never considered but as objects of their contempt, the French were now to look forward to protracted operations! France then, it appeared, no longer looked forward to victories similar to those by which she had previously subjugated so great a portion of Europe. Whilst the same spirit continued to animate the brave inhabitants of the Peninsula, even though the French should obtain victories, he trusted they would be followed by disasters as dire and destructive as those which had already attended every step of their antecedent progress.

The precise spot, therefore, which had been chosen, was, he would contend, that on which we could hope to carry on operations with most advantage to ourselves, and most inconvenience to the enemy. (Hear, hear!) He would repeat the assertion, (hear, hear!) and he would challenge the hon. gentlemen, who by their cheering in such a manner, seemed to intimate that they did not concur in the sentiment, to point out any spot in Europe where France could have been so successfully resisted; where more assistance could be expected to be derived from the allies with whom we might have to co-operate; or where the French army, operating at a distance from its resources, having a long chain of communications to keep open, and exposed at all times to the danger of having its supplies intercepted, could encounter a greater amount of inconvenience or entertain so small a prospect of success? If that, then, was the fair, the correct and just state of the case, he could not allow himself to harbour a doubt, that it could be considered as any other than a reasonable ground upon which he was justified in looking with confidence to the concurrence of the Committee in the proposition he had to submit. He was firmly persuaded that the Committee would agree with him, that, as the war must be allowed on all hands to be inevitably to be carried on; a war, not voluntary on our parts, but imposed upon us by the injustice and aggression of the enemy; this was the scene most advantageous for us, and most inconvenient for the enemy, in which to continue its operations. He was so deeply impressed with this conviction, that he trusted no objection would be made to his motion. He had already stated, that the sum to be proposed was two millions; and he had only to add, that he should recommend that the money should be granted generally to the Prince Regent, to be applied by him in such manner, and for such assistance, as may be deemed most advantageous according to the circumstances of the campaign. The grant he proposed to make in this general way, in order that in the disposal of it they might be able to look at the events of the campaign as they might occur; that, if any reverses or disasters (which he did not think likely) should unfortunately take place, whatever portion of it may be unapplied at the time, should not be wasted in a lost contest and a hopeless cause. (Hear, hear!) The right hon. gent. then concluded by moving, "That a sum, not exceeding two millions, be granted to his Majesty, to enable him to continue to maintain in his pay a body of Portuguese Troops, and to give such further aid and assistance to the government of Portugal, as the nature of the contest in which his Majesty is engaged may appear to him to require."

Mr. *Ponsonby* rose and said:—Sir; had the right hon. gent. confined himself to the mere grant of a subsidy—and if there were no new circumstances attending the proposition at this period compared with last year—I should not, most probably, have said any thing upon the subject. His proposition however is not a naked proposition for a large subsidy to the Portuguese government, but it is accompanied by a formal stipulation of a treaty entered into between the two countries, by which Great-Britain is bound never to acknowledge any sovereign of Portugal except the legitimate heir of the unfortunate house of Braganza! Taking all these things then together, I, for my part, cannot see any limit to the carrying on this war, while this country is able to give a single shilling towards supporting one of the most extravagant plans that could possibly be proposed or adopted.—Where, I must ask, was the utility of binding the government never to acknowledge any sovereign of Portugal but the legitimate heir of the unfortunate house of Braganza? The right hon. gent. has stated that the Portuguese government are deprived of many resources they were formerly possessed of, owing to the possession of their country by the enemy; but this is so contrary to all we have heard of before, that I hardly know what story is most worthy of belief. We have had the highest authority, that of the Gazette itself, stating that the part possessed in that country by the French army was confined to the spot they occupied, and that they could not even procure provision for their maintenance. This is not merely my statement, but it is the official information published in the Gazette; and now we are told, that one great reason for this subsidy is, that so great a portion of that country is under the power and in the possession of the enemy, that the Portuguese government cannot draw their supplies as formerly. The right hon. gent. also says we ought to afford this supply, because we are fighting now upon the theatre most fortunate for us, and most unfortunate for the enemy; a chosen theatre, one that we have selected by preference for the purpose of continuing the war. Does he mean that the space comprehended between Lisbon and Cartaxo is the most chosen theatre to continue the war? Does he mean to say that we chose that part when we first sent our armies to defend the whole of Portugal? I thought that then the whole of the Peninsula was our object; and afterwards, that we limited it to the defence of all Portugal from the dominion of France; but now I am told that our object is still further limited, and that we only look to the defence of that spot which lies between Lisbon and Cartaxo. The right hon. gent., too, says we must be greatly encouraged to comply with this demand, from the vast success of our efforts last year. Now I have no disposition to under-rate our success, nor cast any imputation upon the Portuguese or upon the Spaniards, and much less upon our own troops—but what is the success to which he alludes? Did we not begin the campaign out of Portugal? Did we not commence it at Ciudad Rodrigo—and after losing that town and Almeida, did we not retreat? The fact is, that our success consists in having lost almost the whole of Portugal, and that our army is now confined or hemmed in between Lisbon and Cartaxo. Can any man say that that is not a fact? and can the right hon. gent. call this encouraging our expectations, and say that on such a ground we should now give a subsidy of two millions instead of one million? Does he reflect upon the nature of this contest? How long can this country support this expence? Does he know the expence of sending troops to Portugal? Does he know that there is a loss of 30*l.* upon every 100*l.* sent to that country? I say that there actually is such a loss, and I defy any man to contradict me. How is the remaining seventy pounds paid when it gets to Portugal? It is paid, the one-half in coin and the other half in Portuguese paper. Does he know how much that paper is depreciated? Does he know that there is a regular money price and a regular paper price? Has he considered these circumstances, and does he think it is possible for England to continue long to do as we are doing?—Does he reflect upon the Report of the Committee lately appointed to investigate the commercial embarrassments of our country; and does he recollect that we are passing a bill just now to relieve, by a grant of six millions, those who have suffered by such embarrassments? Does the right hon. gent. think that this is a proper time to submit a vote of two millions to Portugal, under such circumstances? He says that the tone of the enemy is much altered—that instead of boasting they will drive us into the sea, they have now come to this, that they are making the war a contest of time and money, and that nothing can be more ruinous to France. The right hon. gent. indeed must know many facts, which I can only judge of by conjecture, and therefore my assertions may prove erroneous; but I believe that nobody knows what policy the emperor of France has in view. Does the right hon. gent. know for certain that it is not the intention of the French to send a greater force to finish the campaign? If it be the intention of the French emperor to send a greater force to terminate the campaign, he may accomplish it easily, for I am sure there is in his dominions no deficiency of force. France alone can furnish 400,000 troops, besides those already in Spain and Portugal. I speak within bounds, and I have particular means of knowing it. For what purpose is the emperor of the French collecting an army in the North of Europe, a greater army than what he had formerly occasion to collect to subdue Austria and Prussia? While we are shut up in one corner of Portugal, are we sure that he may not avail himself of that particular circumstance to carry into execution his schemes against the Northern part of Europe? I know not whether I be correct in these conjectures, but the right hon. gent. has perhaps a better source of information. He says, we are to carry on this contest, as it has been forced upon us. We abandoned Spain after sir John Moore's object was defeated; and since the defeat of the French at Corunna we have not sent any material force to that country, except to Gibraltar and Cadiz, when we conveyed troops in our ships from the one of those places to the other. You have therefore made Portugal the theatre of war; and why should you have done so? Do you think you can prevent France from overrunning Spain by continuing the war in Portugal? Was there no other mode by which we could think of attaining success? I say, that neither in Spain nor in Portugal has any thing happened that can give us reason to believe that the war there will terminate to our advantage, although I wish it sincerely. Now Spain we have abandoned, except in regard to Gibraltar and Cadiz; and we have abandoned all Portugal except the space between Lisbon and Cartaxo. These are matters which we ought to consider before we vote such a large sum of money upon the principle which the right hon. gent. has stated this night. Does he suppose that if we can maintain a single town in Portugal, such as Lisbon, no expense will be too great for such an object? If we do maintain some of those towns, the effort must in time disable this country. Without meaning to take the sense of the House upon the right hon. gent.'s proposition, I only thought it my duty merely to suggest those considerations, in order that the matter may be well weighed before we come to such a vote upon this occasion. Our army estimates this year amount to between 15 and 16 millions, the transport estimates to between 3 and 4 millions, and I may reckon the whole amount of the estimates, including extraordinaries, at a sum between 23 and 24 millions, and all this without making any serious impression upon the enemy. Without making any calculation of the force of France, I only wish you to reflect how long we can go on thus. If we were likely to reduce the resources of France, then we might make a great exertion; but we are now throwing away our money in search of conquests that will be of no real value to us when acquired. It will be a monstrous waste of money to put garrisons into any towns in Spain or Portugal.—Upon the whole I do think these possessions appear actually valueless in comparison with the expense attending them. Without any desire to thwart the measures of government, I must say that the sum the right hon. gent. has asked, appears not likely to secure those advantages he seems to have sanguine expectations of realising.

Mr. *Sullivan* said, he was prepared to defend both the grant and the treaty entered into between this country and Portugal. Upon what ground, he would ask, could we assist Portugal at all unless for the purpose of reinstating upon its throne the legitimate sovereign of the country? He would request of the right hon. gent. who had just sat down, to look to the state of the allied army in 1809, and at the present moment. The French were then in possession of all the Northern provinces of Portugal; but by the military aid sent from this country in the spring, and by the exertions which were made to reform the military establishments, a change so great had taken place, that in six weeks after the French were expelled from Portugal by lord Wellington. Another distinguished general (marshal Beresford) had also succeeded so well in his department, by the efficient reorganization of the Portuguese army, that the tyrant of Europe was obliged to send Massena himself to retrieve what had been lost; and in September 1810, Massena found a force formed in Portugal able to repulse him: he found, besides the regular army, a militia, which, by its discipline and valour, had already taken 5,000 French prisoners. What might not this country hope from such an effort? Might it not encourage the nations of the North? Might it not encourage—might it not animate—the most insignificant to some bold attempt, and rouse Europe in general to choose the happy moment, and avail itself of the noble lesson? Portugal, as he had collected from undoubted quarters, had put on foot in the last campaign, in military array, a greater number than was ever brought into action by any of the old military governments. The proof of this fact might have the most powerful influence upon the tyrant of Europe; and other countries might be stimulated to a similar enterprize, when they found that Portugal succeeded even beyond the most sanguine expectations that could have been formed of her.

Mr. *Fremantle* rose and said: Sir, It is quite impossible I can allow this question to be put without offering a few observations to the House, not with a view of taking its sense upon the propriety of this grant of money; not with a view of resisting its issue, but in order to discharge my mind of those feelings with which it is impressed by the perseverance, on the part of those in whose hands the government of this country is placed, in a system towards Spain and Portugal, which I conceive to be not only of no avail to their cause, but highly injurious and detrimental to the best interests of this country.—At the dawn of this animated contest in Spain, in 1808, no man could more strongly, more warmly participate in the general and universal feeling towards that country than I did; it was a feeling congenial to the heart and mind of every Englishman; it was a burst of indignation against the most outrageous and unexampled oppression on the part of the French emperor; it was a natural sympathy; it was aiding the weak against the strong; it was a free country, and a free people animated in the support of the freedom, the independence, the integrity of the Spanish empire: what Englishman could resist such a call as this? what Englishman could withhold his whole, his warmest support in such a cause? it was under such universal and general feelings, that the ministers of that day, in whom the present Chancellor of the Exchequer is included, undertook the support of the Spanish patriots. Now, Sir, let us review the principles upon which that support was to be given on their part; let us look back to the declaration of his Majesty's ministers at the time, and we shall find that it was to be an alliance formed on the principles of general and zealous support to the Spanish nation, in a manner most conducive to their welfare and advantage, but at the same time least injurious to British interests.—These were the principles upon which this alliance was to be formed; principles which coincided with the sentiments of the public at large, and in which the government was universally supported.—Let us now see upon what system these principles have been maintained; let us see how far the ministers have effected the two objects of giving every support to the Spanish patriots, in a manner most conducive to their interests, and in what manner they have kept sight of the interests and security of England. It is upon this head that I condemn their conduct; it is upon this system which I have to argue, and upon which I trust I shall shew, before I sit down, that they have betrayed not only their allies, but that unexampled confidence which was reposed in them.

It will be impossible for me to bring before the House my view of this subject, without entering at large into the history of this contest; but in doing so, I beg the House not to be alarmed at the prospect of the length to which such a history might lead me. I shall not feel it necessary to enter into all the details of the several transactions which have occurred in the different periods of this contest; I might undoubtedly do so, with feelings of the highest gratification, because I should only have to record events most pleasing to the House, most grateful to the ears of every Englishman; events most glorious to the arms of England, most honourable to the individuals, and to the armies by whom they were achieved. But, Sir, these are events that have been repeatedly expatiated upon in this House, and have been as repeatedly admired and applauded; therefore in passing them now by, do not let me be supposed to wish to lessen their value, and to detract from their national importance. God forbid that I should be actuated by such motives: no, Sir, no man living is more alive to these gratifying and proud exploits on the part of my countrymen, but they are unnecessary to my view of this history.—That which I wish to place before the House and the country, is the result of a system, so weak, so radically injurious to the interest of England; a system which has been pursued, and is now pursuing, so subversive of those patriotic principles upon which the alliance of Spain was formed—I shall briefly trace the result of the campaigns which have taken place since the commencement of this contest.—In the first place, so soon as a military force could be prepared, it was dispatched under my gallant and excellent friend sir A. Wellesley, in 1808, to Portugal. I shall not now stop to discuss the policy of relieving the Spanish patriots in Spain, by sending our troops to Portugal. This is a question which has often been agitated, and as often been approved by this House; but I must remind the House, that at the time this force was dispatched, the French had been driven from Madrid, and were not advanced beyond the Ebro. This expedition under sir A. Wellesley I consider as the commencement of the first campaign; and let it always be remembered that it began upon the system of attempting to contend with Buonaparté by the power of a British military force in the Peninsula—the object was to try your military strength with his. You made yourselves principals where you should have been contented to remain as auxiliaries. This is the system which I condemn—let us now see how it has succeeded.—The campaign commenced with all the advantage, with all the glory, with all the triumph which in the most sanguine mind could have been predicted.—We beat the French at Roleia, we beat them at Vimiera, we relieved the whole of the north of Portugal, and we finished by the convention of Cintra, which placed at our disposal their whole army; but what was the result of that campaign, did we relieve the Spaniards? did we promote the interests of England?—The result was, that England, at her own expence, England, the ally of Spain, placed at the disposal of France 20,000 of her best troops, commanded by her ablest generals, conversant and inured to the climate of Spain, in a port nearest to the scene of contest, and capable of being again brought into action in the course of three months, and which in fact was the case; England, in order to assist her allies and contribute to her own interest, which would have led her to a rapid termination of the war, supplied the means of reinforcing, in the most efficient and expeditious manner, the French in the Peninsula, and thereby secured the permanency of the contest in that country; such was the fruit of the first campaign, such was the advantageous proof of our first attempt to contend with our armies against the armies of Buonaparté.—The second campaign commenced under that gallant and most excellent officer sir John Moore, who contrary, and in direct opposition to his own military judgment, and in the teeth of all the remonstrances which he had made to this country upon the danger and folly of pursuing a system founded on such erroneous and dangerous principles, was directed to march into Spain, and to undertake once more a contest with Buonaparté's armies in the Peninsula.—Let it be remembered that this order from the government in England took place when they knew that Buonaparté himself had advanced into Spain, and had reinforced his armies with upwards of 100,000 men; but the system was a favourite one, it was to be pursued under all circumstances, and no example, no reasoning could convince the infatuated minds of those who governed the councils of this country, of the futility and danger of attempting, by a British force, to overwhelm Buonaparté.—The character of England was committed, we were the principals, Spain and Portugal were only auxiliaries in the contest. This gallant man, at the head of his gallant British force, advanced accordingly, aided by the co-operation of sir David Baird, who had landed at Corunna. Here again I shall not stop to enter into the details, it is sufficient to say, that nothing but the extraordinary abilities, the prudence, judgment, temper, and indefatigable and unwearied exertions of the commander, rescued from utter annihilation, the whole of the army entrusted to his command. What was the result? after a display of courage and discipline and forbearance under difficulties the most unexampled in the military history of this or any other country, this army effected its retreat to the shores of Corunna, at which point it maintained itself against the desperate attack of the whole French force; and when, after acquiring a most important and brilliant victory, which was dearly purchased at the expence of the life of the most invaluable and able officer that ever graced the annals of any country, we were enabled to bring back the remnant of the British force in a state so disorganized, so totally annihilated, as to render it necessary to exert the utmost energies of the country to repair its loss—such was the issue of the second attempt to contend with Buonaparté in a military campaign, by the efforts of your armies in the Peninsula.—The next undertaking, the next campaign was commenced by the appointment of my gallant and noble friend lord Wellington once more to the command of the forces in Portugal: nothing could be more unpromising, nothing could be more disastrous than the state of Portugal at the time he undertook this hazardous command; his genius, his promptitude, his zeal, and his extraordinary military talents were necessary in the instant to extricate and relieve his small army from its embarrassments, threatened as it was on the north, on the south, and in the centre.—Here again I should have to detail the gallant exploits of a gallant British army, but it is in the recollection of every man in the country who has a breast to feel, or a mind to glory, in the valour of his countrymen; the manner in which he destroyed the army of Soult, in which he arrested the progress of Victor, and in which he formed the junction, and infused into the armies of Spain a spirit of emulation and zeal; no sooner had these events taken place, than the same system was directed to be pursued by the government of England; acting under the same misguided judgment, they once more called upon their commanders and their armies to try the experiment of an advance into the Spanish territories, to try how far we still were capable of undertaking a continental system of warfare.—We had not yet abandoned the vain idea of contending as principals in this contest.—The experiment was tried again, lord Wellington advanced, he met the enemy, he fought him, and he achieved (what I shall always consider one of the most brilliant victories this country ever witnessed) the victory of Talavera; a victory gained under greater difficulties and with more desperate and infuriate fighting, than is recorded, I believe, in modern warfare. What was gained by this battle? nothing but a loss. What was the result of this campaign which terminated with this battle? The loss of all your sick and hospitals; the loss of territory; the loss of reputation (not in your armies) but in your political character; the loss of that confidence which your allies had reposed in you, and which had been created, fostered, and encouraged, by your gallant commander; and (though last not least) the loss by sickness, fatigue, and, I might almost add, famine, of nearly half your army.—Such was the consequence, such the lamentable, disastrous issue of your third campaign.—We now come to the last, which, although not terminated, is hanging, in some degree, suspended, and has changed from a system of attack to one of defence. It commenced by the position of your army on the frontiers of Portugal, re-established, and reinforced and re-organized by the zeal, the activity, the influence and exertions of my gallant and noble friend lord Wellington. I consider this campaign as commencing from the moment Massena took the command of the French army; at that moment we had collected one of the proudest British forces that had ever been assembled together; a body of men amounting to not less than 35,000 effective troops, commanded by the ablest and most experienced generals that this country ever produced.—Let us see what has resulted from this campaign, which no sooner commenced than we found ourselves under the necessity of retreating, incapable of contending against the superiority of numbers which were opposed to us.—Day after day beheld the loss of positions, of fortresses, of territories, which in one instance only was most gallantly and nobly checked by the army under lord Wellington at Buzaco, but which check only served as a respite for a few hours to the further advance of the enemy: and this campaign now leaves us, I will not say within our entrenchments, but incapable of quitting those entrenchments, and only waiting the result of such movements as the enemy may be disposed to make.—It rests with him to chuse his day, to make his own disposition, to wait for his reinforcements; it rests with him to say whether he will continue to blockade you, or whether he will give you a fair opportunity of contending with him in the field. If we are to judge by the publications in France, he will decide upon the former, and in this he will judge wisely.—Thus, Sir, have I terminated the history of the Spanish contest, bringing before your view as the result of all your victories, of all your expenditure in men and money, of all your exertions, and of all your waste of the military resources of this country, the position of your army at Lisbon, insulated and incapable of acting, but at the discretion of the enemy.—Your allies in every other part of the Peninsula overwhelmed, and only manifesting partial and unavailable hostility.—Your own resources exhausted, and your hopes of ultimate success, to every mind which is not blinded by enthusiasm, completely annihilated. Such is the result of a system founded upon the principle, of attempting to subdue Buonaparté by the force of your armies on the continent; such is the result which you have brought upon yourselves, by acting throughout as principals in a contest, which you undertook as auxiliaries only.

Will any man say that this has been a wise system? will any man who is not determined, under any circumstances, to support the measures of a weak and misguided government, contend that it has been successful; that it has answered either the promises to your allies, or the hopes to your countries; that it has either contributed to their security or to your own benefit?—I shall be condemned for endeavouring to throw discredit on the conduct of our troops. Sir, if I am so condemned, it will be unjust towards me. I condemn not the troops or the commander; I applaud them, I admire their valour, I venerate their deeds, I am proud as an Englishman to bear my testimony to them, but I do deprecate, and I shall never cease to deprecate, the cruel manner in which their valour has been lost to this country and to Europe.

Sir, we have been reproached on this side of the House, with hazarding false predictions; we have been taunted with having held out to the country the ultimate failure of our objects in Spain. Sir, I am prepared to defend at this moment such predictions; I still maintain that you will not and cannot by such a system either relieve your allies or benefit yourselves; that in pursuing it, the former must surrender, and you will (if you are not already) be placed in a situation of the most imminent peril.—It is not enough for gentlemen to reproach us for such predictions, by saying they have not yet come to pass; it is incumbent upon those who maintain that success has attended their system, to prove it to the satisfaction of the House and of the country; to prove how far the cause of our allies has been supported, or the interests of Great Britain preserved.—Sir, I shall take the liberty now of adverting to those arguments which have been advanced by the chancellor of the exchequer, and others, upon this and former occasions, in defence of this system, and in proof of the advantageous situation in which we are placed at this moment by our contest in Portugal. I shall most particularly refer to a speech made a few nights ago, by a right hon. gent. (Mr. Canning) at too late a period in the night to enable me to make such reply to it as I thought it required, but with his permission I shall now state the points which he so emphatically and so eloquently described, and I shall be able to shew, that so far from our situation or our prospects, being improved, they have gradually diminished, and are now become, in my judgment, hopeless towards Spain.—The first argument was maintained on the ground that the contest in Spain checked the ambitious views of Buonaparté on the Continent.—Is it meant by such an argument, to say that it has checked these views, or that it is now arrived at such a state as to impede his further objects? if the former, let me bring before the House, the views he has disclosed, and the objects he has accomplished during the course of this contest.—Has he not completely subjugated the empire of Germany? Has he not created kings, deposed kings, parcelled out kingdoms, destroyed kingdoms, added dominions to his own? What is his situation at this moment, is he checked in his continental views? Is he not directing from his closet in the Thuilleries every cabinet in Europe? What state, what power dare contend against or dispute his mandate? Do we see him employing his troops in any part of Europe? Has he moved a single military man? Is it necessary for him to do more than issue his order to be obeyed? His will is the law throughout Europe, and are such the proofs that his continental views are checked by the employment he finds in the Peninsula of Spain.—Again, it has been said that this is the most expensive war in which he has ever been engaged, and one in which he has suffered more in loss of men.—Let us examine as to the expence which he is supposed to have been led into. In all his former conquests it is urged that he has made the conquered country pay for its subjugation; that he has raised from the conquered a contribution sufficient to defray the whole expences of his conquest. It does not appear to me, Sir, that this system has been abandoned in the instance of Spain; we are yet to learn that Spain has not herself contributed by payments to her subjugator; we are yet to learn that Buonaparté has not extracted from that devoted country the last shilling she had to subscribe; that she has not furnished to his armies supplies of every denomination; but if we wanted confirmation of the little difficulty which France has sustained in this contest, in her military expences, let me bring to the recollection of the House the statement which was made by the government of that country in the last exposé, presented to the senate, of the state of her finance, and there it will be found that so far from the war in Spain having added to the difficulties of France, Buonaparté assures his people that he has been enabled to carry on the contest in Spain, and shall be enabled to accomplish the delivery of that country without calling for one shilling of additional burthen of his people. It does not appear by any one act, or by any one document, that the expences of his army have exceeded the ordinary expence of his great and powerful military establishment. Are these proofs of the expence of this war? are these proofs that his resources are exhausted?—With respect to the loss of men, I remember it to have been said on the first day of this session, by an honourable and eloquent member of this

House (Mr. Milner) that nearly 600,000 men had passed the Pyrenees, and not more than 200,000 were now remaining in the Peninsula. Sir, I think this calculation fallacious; first it should be remembered, that when Buonaparté found himself obliged to quit the Peninsula, to undertake the subjugation of Austria, he took with him a very large body of troops from Spain, and therefore their numbers should be subtracted from the 600,000; but supposing he had consumed to the amount stated, we must never forget that Buonaparté reigns over a population of not less than 40 millions of people; that he commands the military service of his subjects; that those subjects do not enjoy, as we, thank God, are capable of doing, the free exercise of our judgment as to military service; with him every man is a soldier, must do the duty of a soldier, and his conscriptions enable him to fill his ranks at all times without difficulty or expence. Therefore do not let us flatter ourselves that he will be exhausted by his loss of men in the Peninsula, and that he will relax in his contest, or sink under it from the failure in the number of his armies. We have seen him contending in Spain, employing the whole of our force in that country, and yet with an army on foot at the same time in Germany of upwards of 100,000 men. Should not such experience prove to us the fallacy of such calculations? let us not persist in them.

The next argument which has been mentioned in support of this system, is one which I should have thought, the circumstances which have occurred in the course of the last 12 months would have completely answered; namely, that it diverts his attention from England, and paralizes his efforts against this country.—Can any man reflect upon what has lately passed, and say to himself, or believe for one moment, that Buonaparté is idle or has been inactive in his exertions against this country? Does it not appear that while he is employing our troops, and exhausting our utmost resources in the Peninsula, he is moving every engine, exercising all his authority, to annihilate and extinguish our commerce? Has he not greatly succeeded in this attempt? Has he not excluded from every country in Europe, our manufactures? Has he not reduced our merchants to that state, as to make it necessary for the country to aid them with a loan of six millions of money? Are these proofs that his exertions are paralized, that his attention is diverted from this country? Let us look to another symptom of such inactivity; have we not witnessed within these few days the first minister of marine in this country, justify to parliament the necessity of an increase in the annual expenditure of the navy, on the ground that Buonaparté had of late so increased his shipping, so improved his ports, so strengthened and established his harbours, as to render more exertions and more vigilance, and greater numbers necessary for this country? were we not told that he had now in a state of equipment 114 sail of the line, when we have only 100? I mention not this, Sir, as a subject of alarm; no, I am confident that were his numbers double, let our brave and gallant tars but meet his flags, and he will again experience that his ships only sail to be subdued. But can it be said, that he is idle under such proof of his vigour and activity, or that his resentment, animosity, and hatred to this country sleeps? There is but one more argument which occurs to me as having been brought forward, and it is one which, in my mind, is more extravagant than any of those which I have already touched upon. The argument was supported on the ground that any check, any overthrow at this time to the army of the French in the Peninsula, would go further to shake the foundation of his empire, and place Buonaparté in greater difficulty than could have been hoped for, at any other period of his extraordinary career.—Here again I must refer to experience from the past, as the best test for our judgment on the future.—Here I must bring to the recollection of the House, and of the country, the situations of difficulty and danger in which he has at times been placed, and beg that a comparison may be formed between those, and such as might be supposed to arise from the overthrow of Massena. Have we not seen him beated on the banks of the Danaube, in the heart of an enemy's country? Can we forget the defeat he sustained at Asperne? Can we fail to look back to the danger with which he appeared at that moment surrounded, opposed by an army of 150,000 of the best disciplined troops in the world, commanded by the ablest commanders? Can we forget how he rose from these difficulties, how he strengthened his means, and demonstrated those great and powerful resources which enabled him to terminate the tremendous warfare in which he was engaged by the complete and entire accomplishment of his objects, namely, the overthrow of the Austrian armies, and the subjugation of its empire?—Again let me bring back to the recollection of the House the fearful danger with which he was threatened in his campaign in Poland; can we forget that there again he was at one time exhausted in men, in money, in supplies, and had even lost the confidence of those who served under him? Did he sink under these accumulated difficulties? did he relax in his exertions, or lower his tone of menace and command? No, he recruited his armies from the most distant extremity of his empire; he brought troops from Italy, from the Pyrenees, from every quarter of the globe, and terminated this contest with the same success, the same accomplishment of his objects, which he has ever attained. After the experience we have had of these events, is it possible for any man, however sanguine, however wedded to the war in Portugal, to deceive himself into the belief that any check which his army sustained, or even the total overthrow and destruction of marshal Massena, would loosen one nail in the iron crown of this modern Charlemaigne. Away then with such idle, such impotent reasoning.

I am conscious that I have trespassed long on the patience of the House, but it was impossible for me to allow this proposition to be granted, without stating, as strongly as I was enabled, my objections to the system which has been pursued by our government, and which again I must maintain has placed us in the unfortunate dilemma, as to leave us no option upon the grant of this sum for the maintenance of the Portuguese troops. Before I sit down I must again guard myself against the possibility of being charged with censuring or condemning the conduct of our army On the contrary, no man in this country is more ready to bear testimony to its good conduct, no Englishman is more proud of its valor, discipline, patience, and unconquerable spirit. With respect to its officers, I can only say that their merits surpass all power of praise; and I should indeed be wanting to every feeling of my heart, to every conviction of my mind, if I was not forward to add my tribute of applause and admiration to the skill, the courage, the indefatigable exertions of my gallant and noble friend, the commander in chief. To his spirit, to his talents, the country and the army owe every thing that has been achieved; what man could do, he has done; but I must ever lament that what is done, can never, from the nature of its policy, be beneficial either to our allies or to this country. I deprecate the system which has led us to act as principals instead of auxiliaries in this war; a system which every day furnishes to my mind, stronger and more convincing proofs, that it must eventually lead to our destruction; you may protract the period, it is not perhaps the interest of Buonaparté to bring the contest to an immediate issue, but be it sooner or later, the result, in my judgment, is inevitable, if the system is pursued.

Mr. *Peele* said, that he had listened to the speech of the hon. gent. who spoke last with great attention, but could not agree with him in the statements he had made, nor in the conclusions he had drawn. Several of the arguments he had used were such as might be applied with some propriety in the last session, but were totally inapplicable at present. Last year when the House could only proceed upon conjecture, there was naturally great variance of opinion. There was then plausible ground for the doubts and differences which agitated the minds of men. The scepticism and despondent feelings of the hon. gentlemen opposite were then in some measure authorised by the recollection that France had just concluded a peace with Austria, and was prepared to employ its whole force in the Peninsula. We had now had experience of these additional levies, and could frame our calculations upon a sure foundation. The Portuguese had shown themselves to be equal to the combat, and warranted us in entertaining a sanguine expectation of their future exertions. Under what circumstances then did his Majesty now call upon the House to renew the Grant of aid to Portugal? What last year was expectation, now was proof: what then was doubt, was now become certainty: what then was apprehension, was now confidence. The hon. gentleman had referred to speeches made on former occasions, and had, as usual, predicted evils, because he did not find them in existence. This, however, he thought, was a mode of treating the subject which came with rather a bad grace from that quarter, at the present moment, and was a species of defence very easily and very readily resorted to by those who had nothing better to set up. What had been the fate of those predictions which so boldly pronounced the unfitness of the to the sacrifices we had made in the Peninsula. We had sent thither 50,000 men, and we had lost the whole of the Peninsula, except that spot which lay between Cartaxo and Lisbon; in addition to which, we had also sent to Portugal two million sterling in bullion. We had, during the whole period we were engaged in the contest, been making retrograde movements, and ruin alone could be the result. He said he had never heard any charge whispered against general Moore. He had been sent to a campaign in which no man could be successful. He had acted like a brave, determined, and high-minded officer; and he had sealed his character with his blood. Every thing that surrounded him was covered by distress, and there was nothing at any time to be expected from the enterprize in which he was engaged. As to the question before the House, he was decidedly of opinion that the House should not, in the present state of commercial distress, send two millions more to Portugal. He could demonstrate that the Portuguese soldiers could have been had for one-third less than that which was now paid them. He proceeded to shew that the Portuguese troops had never been of any actual service. They had never been what they ought to have been—a manœuvering army, such as our local militia would have been with the same training. The present war, if it was to be carried on in the Peninsula, must be a warfare of finance; it could never be attended with any advantage; and the fatal truth must at length be told, that we could not maintain ourselves in that country. The question was not now, how our army was to get away out of Portugal; but, when that should come to be the case, he was afraid it would be found to be a difficult matter. Gentlemen opposite agreed that this country must go through the purgatory of invasion; but he was afraid if affairs went on in their present state they must also encounter the purgatory of a revolution. He looked to the matter in a more manly manner than those on the other side did. They viewed it in a dastardly point of view. He was for fighting with full numbers. Gentlemen opposite seemed to wish to wait till the country had encountered every disaster, and till their means were diminished, and the spirits of their troops broken by defeats in other quarters. On these grounds he was against the grant.

The Resolution was then put, and agreed to without a division.

Commercial Credit Bill.] The order of the day having been read for resolving into a Committee on the Commercial Credit Bill, the Chancellor of the Exchequer moved that the Speaker should leave the Chair.

Lord *Folkestone* contrasted the Committee in whose report the present measure originated, with that Committee on the same subject in 1793. The Committee of 1793 was composed of fifteen individuals, only four of whom were commercial men. The late Committee was composed of 21 individuals, two-thirds of whom were commercial men, and the other third, persons in office, or connected with office, who were therefore interested in the decision of the question. The right hon. gent. who had proposed the measure, had said, that it was a claim on the humanity rather than on the justice of the House. Now, however the House might lament the distresses of individuals, they had no right to grant the public money on such a ground. His opinion decidedly was, that although the operation of the Bill might occasion an immediate relief to those who were suffering, they would ultimately experience from it the greatest injury. The present commercial situation of the country was very different from that in which it had ever before been placed; and all arguments therefore, which assumed to be derived from experience, were futile. He did not conceive that we could calculate on any vent for our goods, either in the North American, the European, or even (except to a small extent) in the South American markets. If, however, British manufactures should find purchasers in South America, what would be the return? Precisely that produce of which our merchants already had more than they knew what to do with. It was childish policy to put off an evil which, when it did arrive, would consequently come with accumulated force. He made no doubt that the commissioners to be appointed under the act would be trust-worthy persons, and that they would not grant loans, except on the deposit of articles, which would be available to the public by sale, in the event of the incapacity of the borrowers to repay the sums advanced to them. Still, in that case, the public would be losers. Of course a considerable public loan would be soon to be raised; and was it not evident that if exchequer bills to the amount of six millions were issued to prop commercial credit, the loan would necessarily be made on terms comparatively disadvantageous? He lamented that the right hon. gent. had brought forward this measure at all, and feeling as he did, that eventually it would be injurious as well to the individuals immediately concerned as to the country at large, he should take the sense of the House on the motion.

Mr. *Marryat* declared, that a full consideration of the subject had induced him to change the opinion which he originally entertained. He was now convinced that the good to be derived from the proposed measure, would far outweigh the inconveniences that might attend upon it. He denied that all markets were shut against us. Many were yet open; and there was still a great demand for certain articles of our home manufacture. But the capitals of our manufacturers were so locked up in the stock on hand, that they were not enabled to make the goods which were in demand. The markets of Martinique, Guadaloupe, St. Domingo, &c. were all open to us; and the only consequence of an inconvenient nature was, that the returns were of an unproductive nature. By a change of policy, however, our returns might be rendered completely productive. If the United States persisted in enforcing the non-importation act with respect to us, we might adopt a similar measure with respect to them. At present we received indigoes, cotton, and tobacco, from the United States. If we encouraged the cultivation of these articles in the conquered colonies which we possessed, we might from them and from the Spanish colonies receive the indigoes, cotton, and tobacco, which we consumed at home, in lieu of the unproductive returns of coffee and sugar. He was satisfied that it would be of the utmost national importance, by granting a temporary relief to the merchant, to save him from being compelled to make the dreadful sacrifice of 40, 50, or 60 per cent. on his property; and by granting temporary relief to the manufacturer, to render it unnecessary for him to discharge those whom he had hitherto employed, and to enable him to manufacture those goods which were still in demand. While he was speaking on this subject he could not avoid recommending the introduction into the Bill of a clause, by which no commissioner under the act should be allowed to receive any Exchequer Bills himself, or to become security for any other individual who might be disposed to receive them. This he advised, not from any the least suspicion of improper conduct on the part of the commissioners, but because he thought it was highly important that they should possess a weight and respectability which such a provision alone could give them.

Sir *J. Newport* was more strongly convinced than ever that his doubts on this subject were well founded, and that the measure would be highly injurious to the community. The present distress was of a complexion entirely different from that of 1793. It arose from over-trading, which was not then the case. The probable termination of it was most uncertain. He had no doubt that when the time for the repayment of the loans advanced should arrive, the parties would come down to the House with an application for the extension of the period of payment, on the ground that the markets for their commodities were more firmly closed than ever. Thus they would be involved in still deeper ruin, having been tempted by the proposed measure to engage in additional speculations. The injustice of the assistance which the Bill went to afford, appeared to him to be manifest; as he was persuaded that when the period of payment arrived, that period would be extended, and that this operation would be repeated until the whole sum originally advanced would ultimately be lost; the consequence would be, that Parliament would visit on the public—on unoffending and innocent individuals—the errors of inordinate speculators.

The House then divided—

For the motion	113
Against it	16
Majority	—97

The *Chancellor of the Exchequer* then informed the House that it was his intention to extend the advantages of the Bill to all places where the warehousing system was carried on. He also observed, that with a view to carry into effect what was evidently the intention of the antecedent Committee, namely, to allow the borrowers to have the benefit of the dividends before the payment of their instalments, he should propose that the payment take place 15 days later than the period recommended by the Committee. Instead, therefore, of the 15th or 16th of January, he should propose that the payment be made on the 1st of February. He proceeded to read the names of those whom it was his intention to propose as commissioners under the act.

—He then adverted to the clause suggested by an hon. gent. by which the commissioners should be precluded from participating in the benefits of the act; and observed, that after the selection of the persons whom he had named, it was not likely that the necessity of such a clause should occur to him. Although he did not mean to propose such a clause, yet, if the hon. gent. thought it would be more creditable to the commissioners that a provision of that nature should exist in the Bill, and would propose it, he should have no hesitation in acceding to the proposition. He then moved to fill up the blanks in the manner which he described.

Mr. *Tierney* was very willing that the manufacturers should be assisted, but conceived that the proposition of the right hon. gent. would give too extensive facilities to speculation. He was anxious that the advantages of the Bill should be confined to the manufacturing interest; and if he could frame a clause to that effect, he should certainly submit it to the Committee.

The *Chancellor of the Exchequer*, if the right hon. gent. were to propose such a clause, would certainly oppose it. The object of granting relief to the manufacturer would not be obtained, unless the means were afforded to the merchant of discharging his debt to the manufacturer; nor would the proposed measure benefit those who had inordinately speculated. No man would be relieved by it, who could not shew by the deposit of the articles, on the security of which the loan was to be advanced, that he had been successful in his speculation.

Mr. *Tierney* contended that in many cases when the merchant obtained a loan, he would employ but a small part of it in the payment of his debt to the manufacturer, and particularly to the small manufacturer. It had been urged by an hon. gent. that the capital of the manufacturer was in many cases locked up, and that the receipt of Exchequer bills would enable him to manufacture such goods as were in demand. Very different, indeed, appeared to him to be the merits of the merchant and the manufacturer. The merchant having bought goods on credit from the manufacturer, sent them to South America. If the speculation proved successful, it was profitable to the speculator; if unsuccessful, the loss fell on the manufacturer. Was this the character entitled to assistance? And yet he was persuaded that, under the proposed plan, this description of men would absorb the greater part of the six millions that were to be issued.

Mr. *Huskisson* wished the Bill could be better adapted to the case. The natural course of proceeding appeared to him to be, to give a preference to those who were particularly oppressed. In the first place, to give priority to goods as a security over personal security, and then to some description of goods over others, namely, British manufactures primarily, and then colonial produce. In the present depreciation of goods in the market, he thought the public would run no risk by advancing 75 per cent. upon them instead of 50 per cent. When goods were the security for a loan, he conceived that the addition of personal security would be embarrassing. He repeated, that by advancing money in the first place to those who possessed the greatest quantity of unsaleable goods, the most effectual relief would be given to the parties the most deeply distressed; but that by advancing money generally, and without distinction, but a small portion of it would reach those whom it was essential to relieve.

Mr. *H. Thornton* was of opinion, that the preamble of the Bill might recite what was the general intention of parliament on the subject, and thus serve as a guide for the conduct of the commissioners. He certainly was desirous that the manufacturers should be the persons chiefly benefited by the proposed measure, although he was not for limiting the advantages of the measure so exclusively to the manufacturers as had been recommended by the hon. gent.

The *Chancellor of the Exchequer* thought any recitation in the preamble, of the view of parliament, might tend to create difficulties in the execution of the trust to be reposed in the commissioners. The committee would be aware, that among the commissioners whom he had named were several of those gentlemen who had been most active as commissioners in 1793. On that occasion the commissioners had proceeded by framing general questions, to which all applicants for relief replied on oath, and thus underwent such a severe scrutiny, as to repel many improper applications. He conceived that it would be proper to compel every applicant to declare for what purpose he wanted assistance, in order that the commissioners might know they granted money for proper objects; and he was convinced, that the best security which parliament could have for the proper distribution of this sum of six millions, was the wisdom and discretion of the individuals in whom the power of distributing it was to be vested.

Mr. *Tierney* repeated his anxiety for the lesser manufacturer, who, he was persuaded, would not be paid, or, at most, paid but in part by the merchant, after the latter had obtained a loan for that purpose. Great difficulties would take place also in the due appreciation of the value of the goods which were to be pledged for the payment of the money borrowed.

General *Tarleton* said, he held in his hand some Resolutions of the merchants of Liverpool, declaratory of their intention to apply to parliament for the aid of a million. He wished to know whether it was intended to grant an additional million for that purpose, or to allow the Liverpool merchants to partake of the six millions to be advanced by the Bill?

The *Chancellor of the Exchequer* replied, that the merchants of Liverpool would enjoy the same advantages as any other merchants who applied for relief.

Mr. *W. Smith* was persuaded that many merchants who would borrow money under the act for an avowed purpose, namely, to pay their debts to the manufacturers, would employ but a portion of it in that manner, and by way of speculation would purchase with the rest goods at their present depreciated value. He knew no mode of guarding against this perversion of the intention of parliament, but by giving complete publicity to the applications made to the commissioners.

The *Chancellor of the Exchequer* protested against the publicity recommended by the hon. gent. and observed that no part of the conduct of the commissioners in 1793, deserved, and obtained greater praise, than their honourable secrecy. As to the apprehension of the hon. gent. that the merchant would purchase the goods of the manufacturer at a depreciated price, such a sale on the part of the manufacturer would not be compulsory, as he might, if he preferred it, obtain relief from the commissioners by the deposit of his goods.

The motion was then agreed to; as was also a clause, by which it was provided, that no person in the Exchequer bill office should receive additional fees in consequence of the additional issue of Exchequer bills.

The House was then resumed; the report was received, and ordered to be taken into further consideration to-morrow. The Bill was ordered to be printed.

Mr. *Tierney* moved, that there be laid before the House the Minutes of the Evidence taken before the Committee on Commercial Credit.

The *Chancellor of the Exchequer* observed, that having so recently detailed his objections to this proposition, he felt it to be unnecessary to repeat them.

The motion was then negatived without a division.

HOUSE OF COMMONS.

Tuesday, March 19.

SPILSBY POOR BILL.] Sir James Graham having moved the second reading of the Bill for the relief and regulation of the Poor of the parish of Spilsby, and other parishes and places in the parts of Lindsey, in the county of Lincoln,

Sir *Samuel Romilly* said, that however singular the clauses to be found in Bills of the nature of the present frequently were, there were clauses in the present Bill so unusual, as to call in a particular manner for the attention of the House. This Bill enabled the governor and master of the Spilsby Poor-house to punish at pleasure the poor under their charge, by solitary confinement, and other most severe punishments, for no reason but their having misbehaved themselves. He then proceeded to read a clause of the Bill, by which, if the poor should be guilty of profane cursing and swearing, disorderly behaviour, or riot and drunkenness, or neglecting or refusing to perform their work, they were to be punished with solitary confinement, abatement of diet, or the stocks, at the discretion of the governor. But this is not the only singular clause. The Bill also empowered the punishing for damaging the house or fences, as for a felony, or petty larceny. And what was unexampled in this country, the directors were to have a power of letting out the poor to any person, who, for his 9*d.* a day, might be disposed to extract profit from the feeble limbs and worn-out bodies of these unfortunate persons, somewhat in the same manner as job-negroes were let out in the colonies. What was yet more extraordinary, they were empowered to contract with all the other parishes of the county of Lincoln, the second most extensive county in England, for their poor, who were to be compelled to go into this House of Industry, and be let out and punished in the same manner; so that the Spilsby House of Industry was to be a great mart for the pauper slaves of the county of Lincoln. Now, having seen the severity of this Act, he wished the House to look at its lenity; for, if severe to the paupers, to others it was lenity itself. Should the governor, clerk, or any other officer, purloin the work tools, or any of the chattels of the house, a crime which was felony by law, the punishment was to be only a fine of three times the amount, or a short confinement. Now, what was the remedy provided by the Bill against any abuse of power? Should any person be wrongfully confined in solitary confinement for a month, or a longer period, (and what a severe punishment solitary confinement must, for such a period, be to a person of an uncultivated mind, it was not necessary to remind the House,) if the poor person so wronged could be fortunate enough to find an attorney in the place willing to undertake his cause, it was in his power to bring an action against such governor, &c.; but the period within which this action could be brought was limited to one month after the offence.

Sir *James Graham* declared that he did not know such clauses were in the Bill, or he certainly would not have moved the second reading. He did not believe the hon. members for Boston and for Derby, who had taken charge of the Bill, and in whose absence he moved, were acquainted with what had been stated by the hon. and learned gent. He should, therefore, in order to give the parties an opportunity to consider this extraordinary Bill, move, That it be read a second time that day se'nnight.—Which was agreed to.

PUBLIC INCOME AND EXPENDITURE OF IRELAND.] Sir *John Newport* rose to call the attention of the House to the financial situation of Ireland, which was unproductive in respect to its revenue. The right hon. baronet read that part of the Speech of the Lords Commissioners which admitted that the revenue was deficient, and he stated that he should prove it was totally unable to meet the charges of the Public Debt; that in point of fact, the revenue was now deficient 650,000*l.* The fact being so, it was high time to inquire into the state of things, and to apply a remedy to meet the deficiency. Whether that deficiency arose from the inadequate means of supplying the taxes, or in the mode of collecting them, he knew not, but this was most certainly true, that there was a great deficit. In respect to the debt of Ireland, that had increased in later years materially. Within the last ten years it had nearly trebled in amount. In 1800, it was about 30,000,000*l.* and it now was 80,728,992*l.* The charge upon that sum for paying the interest, the sinking fund, and the management, was 4,273,000*l*; to meet this charge the ordinary revenue only produced 3,614,000*l.* so that there was a deficit of 660,000*l.* The right hon. baronet then alluded to the speech of the right hon. gent. (Mr. Foster) in 1804,* in which he had noticed the decrease in the revenue at that period, and had stated it would not in any future period be any better. In that opinion he had concurred, and to convince the House that the prognostication of each was correct, he would state the produce of taxes laid on the last year, to shew that the right hon. gent. had calculated their amount much beyond what they actually produced. For instance, the calculations were as follow:

		produced only
The Duties on Wines -	£.100,000 -	£.44,000
Additional Tea Duty - -	60,000 - -	33,000
Currants and Raisins - -	10,000 - -	2,800
Window Duty - - - -	85,000 - -	80,000
Letters, &c. - - - - -	35,000 - -	21,000
Receipts and advertisements	30,000 - -	14,600

These defalcations in the estimated amount of produce, with some other minor taxes, made the total deficit in the last year's taxes, nearly 200,000*l.* and he was justified in asserting, upon taking the average of three years, that the total deficiency in the revenue was 1,700,000*l.* It might be said that the defalcation arose from the difficulties under which the commerce of the country was placed; but that was not the cause, it was the result of over-taxation. Articles of luxury were so heavily burthened, that the poverty of the people prevented the consumption, and consequently the revenue was injured; by imposing additional taxes the preceding ones were lost; so by pouring in a drop more than the vessel could hold, it was lost! He then went into a comparative statement of the produce of the revenue at the period in which he held the office now occupied by the right hon. gent.

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* See Vol. 2, p. 773.

(Mr. Foster) and the present period, contending, that during the time he officiated, the taxes produced much more than he calculated. The expence of collecting the revenue had greatly increased since 1807. At that time the expence was about 487,000*l.* Last year it amounted to 720,000*l.* of which sum more than 220,000*l.* was absorbed by the two boards of customs and excise for incidental expences, and distributed among the clerks, the superannuated list, for building, of various kinds, and for new docks (which by the bye, in England were erected, not at government but at individual expence). Among the items of charges was one for stationary, amounting to 28,000*l.* the charge on England was only 18,000*l.* The duty on leather in 1799, produced 51,000*l.*; and in 1811, a period of eleven years, when it might be supposed that the population had increased, the produce had been only 41,000*l.* The right hon. baronet, after stating some other supposed grievances, declared that in submitting his propositions to the House, he did not wish to compromise them to form any hasty opinion on the subject, all he required was, that the matters referred to should undergo complete investigation; he therefore trusted, that the Resolutions would be passed and allowed to be printed, and on some future day the gentlemen opposite would be prepared to shew that his statement was not incorrect. He then moved the following Resolutions:

1. "That the Funded Debt of Ireland has nearly trebled within ten years, and amounted, on the 5th of January 1811, to 89,728,992*l.* occasioning an annual permanent charge for interest, Sinking Fund, and management, of 4,273,000*l.* to which head of expenditure alone, the entire ordinary revenue of Ireland, amounting in the last year to only 3,614,000*l.* has become wholly inadequate.

2. "That the various plans submitted to, and adopted by parliament, for raising the amount of the Irish Revenue by increased taxation, to defray the Irish quota of expenditure, or even to make due provision for discharging the interest of the loans, have totally failed to answer the desired object, inasmuch as the net revenue of 1810 is 800,000*l.* below that of the year 1807, although taxes, estimated to produce more than 900,000*l.* were imposed, and 862,000*l.* added to the charge of the Public Debt during that interval.

3. "That for this failure of estimated revenue, which has been progressive during several years, although most striking in that which has just elapsed, no adequate causes can be discovered in the commercial difficulties of the empire, since the intercourse between Great Britain and Ireland, which is the great channel of the commerce of the latter, has not been impeded, except in one instance, and the deficiency must therefore be attributed to other and different causes.

4. "That the expenses of collection and management of the revenues of Ireland have advanced in a most striking degree, particularly since the year 1807. That the amount of deductions on this account from the revenue, customs, excise, and inland taxes of Ireland, in its passage to the Exchequer, has risen from 416,000*l.*, at which it stood in 1807, to more than 720,000*l.* in the last year; out of which sum 227,000*l.* were absorbed in the incidental expenses of the two boards to which the direction of these departments was intrusted; and that it appears, that in 1807 those duties were collected at a charge of 10*l.* 16*s.* per cent. in the customs, and of 8*l.* 15*s.* in the excise, and taxes on their net revenue; whereas that charge has risen in 1810 to more than 25 per cent. on the net produce of the customs, and more than 16 per cent. on that of the excise and inland taxes applicable to the public services of the year."

Mr. *Foster* said, before he entered into that part of the discussion which immediately related to himself, he would observe, that though, in the main, the statements of the right hon. bart. were not very wide of the mark, yet he could not permit his resolutions, in the present state of the question, to go forth from the chair of that House to the public. A right hon. friend of his, who used occasionally to make observations on the subject of Irish finance, never brought any motion forward unless the papers connected with it were first laid on the table. In the present instance, the House were not possessed of a single paper by which their judgment might be directed. And certainly it would not be prudent to accede to the proposition, when there was no information before them, and when no notice had been given of an intention to enter into so extensive a subject. Under these circumstances, he was sure the right hon. bart. would not be surprised at his objecting to the motion, since it was not right that statements, which might ultimately prove not altogether correct, should go out to the public unexplained. The right hon. bart. had asserted, that the ordinary revenue of Ireland had fallen short of the expenditure 1,700,000*l*. That revenue he had stated at 3,647,000*l*.; which was not correct. It amounted in reality to 3,880,000*l*. This error arose from the right hon. bart. having omitted the extraordinary resources of revenue, the returns of which, however, were as regular as those of any other part. He had also omitted the sum produced by the lottery, and by a number of repayments which had been recently made. When the right hon. bart. deducted the sum of 278,000*l*. which was produced by these extraordinaries, from the deficit which he had stated, he would find there was not so great a falling off as he had imagined. He allowed that the state of Ireland was such as to require all the consideration and ability of that House to investigate her financial situation. He would not have been at all surprised, if the right hon. bart. had been incorrect in his statement to the amount of a few thousand pounds; but when the House were told of the debt of Ireland being greater than her revenue, when the ruined state of that country was attempted to be shewn, then indeed the subject required the deepest attention. He would not, therefore, enter into the minute and trifling parts of the subject; but he would proceed to the fair ground on which the finances of Ireland should be considered—the providing for any deficiencies which might have occurred in answering the public expenditure. Where, he would ask, were those deficiencies? With respect to that part of the subject, it would be necessary for him to recur to the period when he became Chancellor of the Irish Exchequer. In so doing, he did not mean to contrast his conduct with that of the right hon. bart. who had filled the same situation. The public would judge of their respective merits. He would explain to the House what he proposed by the increase of taxes in 1804, what were his hopes, and how they were frustrated. It was his object at that time to raise the taxes to the full amount of a peace establishment—sufficient to answer every purpose of the Sinking Fund—and, if the war continued, then revenue should be raised to pay the interest. In 1804 the sum total which he proposed for a peace establishment, amounted to 11,000,000*l*. which was not deemed unreasonable. From that period, the revenue did begin to rise, but not so rapidly as could be wished. In the year next but one, the rise, however, was very great. What was the fact since? There was a debt of 4,000,000*l*. to be liquidated, and the revenue had failed considerably last year. But it was unfair to confine the resources of the country to that period. Let the revenue be taken on an average of any three former years, and it would be found to have produced 4,500,000*l*. Let the calculation be made at that produce, and it would be fully sufficient to answer every demand, and a surplus of 200,000*l*. would still remain. What was the cause of this failure of the revenue; and what were the hopes that the system formerly pursued would ultimately answer every end proposed, without the necessity of levying additional taxes? It would be observed, that the excise on spirits, during the last year, was operative for a very short period. The dates, of course, were greatly curtailed. In fact, they amounted to only 450,000*l*. in the course of the year. But if they took the consumption of spirits in Ireland to be as great as heretofore, and if the excise were brought to the same perfect state to which it had been carried in this country, then the revenue of Ireland would be sufficient to answer every purpose to which it was necessary to appropriate it, and a very large superflux could be laid by. If Ireland were able to bear a similar duty on spirits as that which was now levied in this country, it would produce upwards of 3,000,000*l*. instead of 450,000*l*. which was the amount of last year's spirit excise. This, he was sure, could be done, whenever they arrived at the same accuracy which had been attained in England. He spoke this merely as a member of the empire: and he did not conceive that the right hon. bart. brought forward this measure from any wish to impede the operations of government, or to harass those who were in office, but from an honest and praiseworthy wish to benefit Ireland. He joined him most cordially in these sentiments; and hoped, at a future time, to have the benefit of his advice. He would go hand-in-hand with the right hon. bart. in any expedient which would tend to serve that country; and, if he opposed the present resolutions, it was not from any feeling of hostility. He could not accede to them, because he conceived they would be attended with a bad effect, many of the facts stated in them would go out to the public not properly digested, and the most erroneous inferences would probably be drawn from them. He thought the proposition should not have been brought forward, until a previous inquiry had been made. The subject had engrossed much of his attention, and he did not think there was a gentleman to whom he had the honour of being known, who could for a moment imagine that he would have been so lost to his duty as not to have turned it over with his right hon. friend, the Chancellor of the Exchequer, near him. All he desired was, at a proper opportunity, to have a regular discussion on this most interesting topic. He should have been himself anxious to propose inquiry on the subject, if the necessary documents were on the table, and a full attendance of gentlemen from Ireland; but he could not think the present a fit opportunity, when he was deprived of their assistance.—Having spoken thus generally, he next came to that part of the subject which related to the taxes he had recommended. From the year 1807 till the last year, he had not proposed a tax which was not connected with the excise on spirits or malt. But the distillery prohibition, which had been introduced into Ireland, completely disarranged the whole system of that part of the revenue, and in consequence they had not been able accurately to ascertain the amount of the excise. With respect to the more recent taxes, he was glad the right hon. bart. had noticed them, as it afforded him an opportunity of refuting several mis-statements. The first was the window tax: this was said to have been raised 50 per cent. and to have borne hard on the public in general. His intention, however, had been, to affect the manufacturer as little as possible, and not to press on the lower ranks of society, as the tax only attached to houses where there were seven windows; and those who knew Ireland could say, whether such a measure was likely to oppress the poor. He denied that the bill had a retrospective effect. It proceeded on the same principle as the tax here on coaches or servants. Thus, if a person set up a coach in the month of December, he was charged for the whole year. If a person made a window at any particular period, of course he was liable to be charged for the window so formed from the time of his last payment. With respect to the sum which this tax had produced, it was estimated at 85,000*l.* and produced 80,000*l.* There was, therefore, an arrear of 5,000*l.* due on the new window tax, which probably would be recovered. The addition of one penny each on the postage of letters, had not been so unproductive as was stated. It had been estimated at 35,000*l.* per ann.; and the receipt for the half-year, from June last, was 17,000*l.* although every person must know the difficulty under which a measure of this description must labour when it was first produced. The next was the increased duty on advertisements. This increase, he contended, was calculated to serve the revenue, while it affected those only who were in the higher stations of life. But, he should be asked, if it were so beneficial, why did it produce so little? The reason, he believed, was this: the moment the tax was known, the printers immediately advertised, that, in consequence of the measure, their circulation would be ruined; and, therefore, it would be useless to come to them with advertisements. They absolutely vilified their own profession, and warned the public against advertising. This had a certain effect: but an account would be presented in a few days, which would demonstrate that the advertisement duty was rapidly increasing. The next was a tax on bills and receipts: but as the exact amount of its produce could not then be determined, the right hon. baronet should not have introduced it. The reason which prevented the amount being stated was, that no separate account was kept in the Stamp-office. He was sure, however, that the tax would produce full as much as the sum at which it had been estimated. The Bank had compounded for the former duty for the sum of 5,000*l.*; and, under the new tax, they had offered an increase of 2,000*l.* Looking to the real state of the case as to the finances of Ireland, it would merely appear that the revenue of last year was not so productive as heretofore: there certainly had been a considerable fall in the customs and revenue; but it would be found that it did not arise from any cause connected with the general prosperity of the country. There had been no depression of manufactures; no failure of the internal sources of revenue. It arose entirely from the state of the import trade. If the shutting of the ports of Europe against the trade of this country affected Ireland at present, it could not be called an inconvenience which hereafter might not be surmounted. The failure of the tax on wine should not be attributed to the badness of the measure itself, but to the present situation of the wine countries, and to the state of commercial credit. The defalcation in the sum to be produced by the tax on tea, arose entirely from the cause just mentioned. The merchants of Ireland used to stock themselves with tea during the summer, but this had been checked by the state of commercial credit. The demand, however, he was confident, would soon become brisker, and would not be at all affected by the increased duty. A small decrease had taken place in the duty on malt and hops. This duty varied every year, and the decrease in the present instance was easily accounted for: first, because the manufacturer was not so greatly stocked as in former years; and secondly, because there was not so great a vent for the article as there had usually been.—The subject which next presented itself was more pleasing. If the exports of Ireland were examined, they would be found not to have decreased. If agriculture had been promoted, and exports were equal to any former year, the House must see reason to believe that Ireland was rapidly improving. From every view he had taken of this subject, Ireland appeared to be hourly increasing in prosperity. The balance of trade was in her favour, and, if there was a failure in the imports, it was rather a symptom that she kept her money at home, than that she had none to send abroad. In the year of the Union, the real value of her exports was 5,000,000*l.* in 1809 it was 11,000,000*l.*; and this astonishing increase was not sudden, but regular and progressive. The exports of England, at the former period, amounted to 41,000,000*l.*, and they had now risen to 50,000,000*l.* So that Ireland, in that period, had more than doubled her exports; while England increased only one-fifth. He was happy in having an opportunity of stating this to the British public, that they might learn to value rightly the resources of Ireland. It was fallacious to say, that she was in a ruined state, because, in the last year, her revenue had not been so great as was expected.—The right hon. gent. next defended the mode in which the revenue was collected in Ireland. The increase of salaries and the multiplication of persons, in many instances, had been very beneficial. Some of those additional expences had been occasioned by the abolition of fees; for individuals could not be expected to give up those perquisites without compensation. If the right hon. baronet objected to the measure, why had he not opposed the Bill? The Incidents of the revenue had also been objected to: they were termed Incidents; but it was a wrong appellation, many items were included in them which were not incidental. If that, however, were considered wrong, the right hon. baronet might have altered it at a former period. The expences incurred in the Stamp-office department had been called for by the great increase of business.—A table, perhaps, had been provided for the messengers, but certainly none were erected for any superior officer; nor was such a measure ever contemplated. The new docks were formed on account of the great extension of the warehousing system, which was highly desirable for the trade of Ireland. He did not think the right hon. baronet could wish to have the people of that country deprived of so great a benefit, particularly as the public would be amply repaid for every expence that would be incurred. The decrease in the duty on leather, which was stated by the right hon. baronet, who seemed to think that there must be some defect in collecting it, arose from the great importation of leather ware, harness, shoes, &c. and the extensive exportation of hides. If the right hon. baronet would point out any improper conduct in those who collected either the duty on leather, or any other article, every attention would be paid to his information. — The right hon. gent. concluded by stating, that he would cheerfully accede to any proposition which appeared likely to benefit Ireland: the state of that country deserved the most serious attention of the House; but he could not agree to send forth a statement to the public which would probably have a very injurious effect.

Lord *Castlereagh* observed, that there was a great degree of difficulty attached to the subject that had been brought before them, which nothing but a fair and candid consideration of gentlemen on both sides of the House could surmount. By that means alone could a plain view of the financial state of Ireland come under their observation. He agreed with what had fallen from his right hon. friend, who had opposed the Resolutions, on the ground that a statement, perhaps inaccurate, should not be sent forth to the country, on a subject of so much importance. He was extremely glad to hear the right hon. gent. declare, that the subject should be brought forward in a manner perfectly intelligible to every person. He hoped that it would be brought forward at the earliest period circumstances would allow. There had been enough admitted on both sides, to prove that there was a state of things existing in Ireland, on which Parliament should use its own judgment and discretion as to the most wise and prudent measure to be adopted. He was well aware that the growing prosperity of Ireland was such as fully justified the statement which had been made by the right hon. gent. But, while the House were gratified at that statement, it must be allowed that there were features in her financial system which called for the consideration of Parliament. The people of England had for many years, with great sacrifice of individual comfort, manfully looking their situation in the face, raised a great proportion of the supplies for the year, within the year; and the great question was, how far it was proper to extend to Ireland that system which had been so long acted upon in this country? These were his impressions, and it was some satisfaction for him to know that inquiry would be encouraged. The appointment of a Committee to make this inquiry was desirable in every point of view. Their report would strengthen the hands of the right hon. the Chancellor of the Exchequer for Ireland, either to pause on the present system, or propose new and vigorous measures for the adoption of Parliament. It was a subject on which he was most anxious, as all his affections were bound up in its fate; and he earnestly recommended it to their deliberation.

Mr. *Parnell* did not wish to omit this opportunity of giving his opinion on the whole system of Irish Finance; and the more so, as he would not confine his view to a few late occurrences, but embrace the whole period since the Union promoted by the noble lord. At the Union the noble lord had presented certain calculatiens to the Irish parliament, as the foundation of a ratio of contribution and expenditure between the countries. In all of these, in his opinion, his lordship had been mistaken; and in fixing the ratio at the proportion of Ireland to England as 1 to 9 in war, and 1 to 5 (which he afterwards changed to 7½) in peace, he had contributed to all those evils and embarrassment which now oppressed the former country. On these premises it appeared that Ireland had been paying a greater proportion than she ought to have done, and the consequence was the increased degree of burdens imposed upon her. Ireland was called upon to provide eleven millions for the annual expenditure; and yet with all the taxes that could be imposed, and with all the exertions of the right hon. Chancellor to improve the revenue (for which he gave him full credit) no greater produce could be obtained last year than 3,600,000*l.* and the former year four and a half millions. It struck him, therefore, that the real and sole cause of all the difficulty under which the finances of Ireland now laboured, was that error in the ratio settled at the period of the Union, which had rendered heavy loans necessary every succeeding year. For this reason, he wished the House most seriously to consider the true cause of the evil, and not suffer themselves to be led away to apply as a remedy the taxation of this country by analogy to Ireland. The line for them to pursue was, to correct the grand error to which he had alluded, and to create a new commercial system, which would supersede the necessity for loans. Another great consideration he could not forbear mentioning, as a way to ameliorate the condition of Ireland—he meant the general system of government. If they looked for great revenue from Ireland, as from this country, they must extend to Ireland all the benefits of the British constitution, to enable her cheerfully and readily to meet the demand. If Ireland was to pay on the same principle as England, she ought also to be governed on the same principle. Upon the whole, that all these matters might have due and mature consideration, he recommended the appointment of a Committee.

Mr. *May* was glad to find that all parties concurred in the expediency of an examination of the subject. He expressed his conviction, that the agriculture, the trade, the habitations, and the riches of Ireland had been trebled since the Union. The civilization of the country also had been considerably improved, particularly in the north of Ireland. He believed there was no country where the taxes were more cheerfully paid; and he attributed the defalcation of the revenue to negligence in the collection, and to the prevalence of illicit distillation. He hoped that the right hon. baronet would be induced to withdraw his motion, in order that the subject might be submitted to the investigation of a Committee.

The *Chancellor of the Exchequer* observed, that both sides of the House agreed that the subject was of such importance as to render it necessary, without loss of time, to proceed to an inquiry upon it. He should regret if the right hon. baronet persevered in proposing his Resolutions, as his right hon. friend had demonstrated that even were they completely accurate (which they were not), Parliament could not entertain them at present, as they were founded on documents which were not yet in the hands of the members. The proposition therefore was premature. Another ground of objection to the Resolutions was, that they described only a part of the fact, and abstained from that counter-statement which would satisfy the country. His right hon. friend had shewn that the average revenue of the three last years in Ireland was 4,500,000*l.* It was not fair, therefore, to take the revenue of the last year alone, and to state it at 3,600,000*l.* He apprehended that the course pointed out by his right hon. friend would be most expedient, namely, that as soon as the necessary papers were before the House, and as soon as the termination of the assizes in Ireland would allow the members for that country to return to their parliamentary duty, a Select Committee should be appointed to investigate the whole of this great subject, and to afford to the House the data on which they might afterwards act. He trusted therefore, that the right hon. baronet, by withdrawing his motion, would prevent the disagreeable necessity of moving the previous question upon it.

Mr. *Bankes* declared, that a matter of greater importance, or one which required more serious consideration, had never been agitated in that House. It was most material that it should be investigated at a time when the House could act on the result of that investigation; and that time must be at an early period of the session. He thought great praise due to the right hon. baronet, whose object was unquestionably gained. The attention of the House was completely attracted to this important subject, and could not be diverted from it. At the same time he should infinitely prefer the examination by a Select Committee. He trusted that no time would be lost in the appointment of that Committee, and at least that it would be formed before the Easter recess. If his opinion had any weight with the right hon. baronet, he would advise him to withdraw his motion: for it would be a matter of regret that the House should divide, when in fact there was no actual division of opinion. He was glad to hear of the improvement of the agriculture and trade of Ireland, but was astonished at the phenomenon of an attendant failure in the revenue. This failure he attributed to negligence in the collection; and he was persuaded that the revenue might be made much more productive without any increase of duties. He was convinced that taxes, similar to those called war taxes in England, were most applicable to Ireland. They were collected at a cheaper rate, they fell with a diminished weight on the lower orders, and there was comparatively but few means of evading them. Reverting to the appointment of a Committee, he stated it as his opinion, that it could not be delayed with any prospect of real advantage, beyond the latter end of next month.

Mr. *Foster*, in explanation, declared that, as soon as the motion before the House should be disposed of, it was his intention to give notice of the day on which he would move the appointment of a Committee.

Mr. *Ponsonby* said, he did not rise to touch on the situation of Ireland, or on the best course of proceeding to be adopted with respect to that country. These considerations he would postpone to the proper period. All things considered, he thought it would be advisable for his right hon. friend to withdraw his motion; but then he trusted that he would move for the immediate appointment of a Committee; or if not immediately, for the appointment of a Committee, at least not later than the end of this or the beginning of next month. As to the presence of Irish members, he did not see the necessity of waiting for their return; for he declared, that he would rather see the majority of the Committee composed of British, than of Irish members. If the appointment of the Committee were postponed until the return of all the Irish members, and until the production of all the official documents, the consequence must be, either that the Committee could come to no conclusion in the present session, or that the session must be inconveniently prolonged for the sole purpose of allowing the Committee time to make their report.

Mr. *W. Smith* was for the early appointment of a Committee, and for imparting to

Ireland all the political advantages enjoyed by the other parts of the united empire.

Sir *J. Newport* would not take up the time of the House by answering the many observations which had been made in the course of the evening, and which were capable of refutation, but would consent, with the leave of the House, to withdraw his motion, on the direct understanding that he should be at liberty immediately to move the appointment of a Select Committee.

The *Chancellor of the Exchequer* said, he would certainly consent to the withdrawing of the motion of the right hon. baronet, but not on the prescribed terms. He was proceeding to show that the present was not the precise time for the appointment of the Committee, when he was interrupted by

The *Speaker*, who observed, that the question whether an honourable member should or should not have leave to withdraw a motion, was not debateable? If any single member dissented, leave could not be granted. The Speaker then put the question, and no dissenting voice being heard, he declared that the right hon. baronet had leave to withdraw his motion.

The *Chancellor of the Exchequer* observed, that he certainly meant to express his dissent, if the leave was to be granted on the understanding wished for by the right hon. baronet.

The *Speaker* replied, that the right hon. gent. ought to have marked his dissent by an audible negative.

Sir *J. Newport's* original motion being therefore withdrawn, he proceeded immediately to move, "That the several Accounts and other Papers, presented to the House, during this Session of Parliament, relative to the Public Income and Expenditure of Ireland, be referred to the consideration of a Select Committee, and that the Committee be instructed to examine into the same, and to report the same to the House."

Mr. *Secretary Ryder* said, had he understood the question, he would not have consented to the motion being withdrawn. The motion now made appeared to him most extraordinary. The right hon. baronet had never thought of the appointment of a Committee; but on the general sense of the House appearing to be that way, his right hon. friend had said, if the right hon. baronet would withdraw his motion, he would pledge the government to propose the appointment of this Committee. But now the right hon. baronet forsooth would take it out of the hands of his right hon. friend (hear, hear! from the Opposition.) He would wish to hear what objection could be made to this statement, but as far as his parliamentary experience went, there was no example for such a proceeding.

Mr. *May* said, that that which appeared lately a compact on all sides, had now become a party question. These parties did them no honour. Their time was too much occupied with them; and he deprecated any dispute as to the trivial matter who was to nominate a Committee, which the House would take care was properly named.

The *Chancellor of the Exchequer* said, the hon. gent. was right in thinking that these party tricks did them no credit. He bowed to the chair; but having expressed at some length his dissent to the proposition of the right hon. baronet, it was only through mistake that he deemed it unnecessary to say "No," as early on putting the question as he ought to have done. He concluded by giving a direct negative to the motion.

Mr. *R. Shaw* was for the appointment of the Committee as early as possible, as if it was put off, the opportunity for this important investigation would come too late to be of service to the country.

Mr. *Foster* put it to the feeling of the House, if it was not the general custom, when government were willing to take the necessary steps, that the measure should be left in their hands. He was not for delay, nor for a Committee altogether Irish. He wished for the collective sense and wisdom of the English also, as this was not a question solely affecting Ireland, but the empire at large, as if Ireland could not pay her loans, England must. On these grounds, he would move the previous question, as a mode not of objecting to the motion, but of getting rid of a course which he must say was like taking the question out of the hands of the person who originally proposed it.

Mr. *Bankes* did not wish to press the nomination of the Committee, on the understanding that it would be done in about a week from this time; but whoever named it, the country was indebted to the right hon. baronet alone for bringing the important topic under consideration.

Sir *J. Newport* read the names he meant to propose, to shew that he had not been guided in his nomination by any thing like party feeling.—They were these: Mr. Foster, Mr. Perceval, Mr. Ponsonby, Mr. Bankes, Lord Castlereagh, Mr. Parnell, Mr. Huskisson, Mr. Tierney, Mr. Tighe, Mr. Grattan, Colonel Barry, Mr. Leslie Foster, Mr. Shaw, of Dublin, Mr. Wellesley Pole, Mr. William Elliot, Mr. Rose, Mr. Whitbread, Mr. Henry Thornton, Mr. Nicholas Vansittart, Mr. William Smith, Sir John Newport.

Lord *Castlereagh* would rather have the Committee nominated to-night than agree to any injurious delay; but he saw no evil that could result from the short period proposed by his right hon. friend. In a measure on which his hopes were so sanguine, he did not wish that the House should as it were be taken by surprise, nor did it appear to him to be quite parliamentary to take the proposition out of the hand of the person most responsible.

The House then divided, when there appeared—

For the Motion	44
For the previous Question	71
Majority against the Motion	—27

PRINTERS' BILL.] Mr. *Henry Martin* rose, pursuant to a notice which he had given a few days before. He reminded the House he had then stated it to be his intention to move for leave to bring in a Bill to explain and amend an Act passed in the 39th of his present Majesty, which at present was felt very heavily by printers, publishers, and others connected with the press of this country. He hoped the motion he intended to make would meet with no opposition, when his motives were known and his intentions fully understood by the House. The act in question was passed at a period when certain societies were in existence, against which it was thought necessary to guard, by preventing their privately disseminating seditious writings. The act appeared to have been passed in a moment of hurry, as it went to punish not merely the guilty, but all connected with the trade of printing. All persons acting as printers, booksellers, &c. were obliged by this act to give not only their names and residence, but the minutest particulars relative to the place of their abode. A distinct penalty was incurred by every single hand-bill or pamphlet in which the most insignificant word relating thereto was omitted. However unintentional such omission might be proved to be, no discretion was given to the magistrates to decide according to the peculiar merits of the case, but they were directed to convict the printer, and cast him in the penalty of 20*l.* for every hand-bill or pamphlet so published; and those parties, who in any case might think themselves aggrieved by such decisions, were not enabled to make an appeal from them at the quarter sessions. This, he thought, was felt to be the cause of evils which had not been anticipated by the House, at the time of the passing of the act. He did not mean to move that it should be repealed altogether; and he should ground the motion he intended to submit to the House for explaining and amending the said act, on a statement of certain instances which had come to his knowledge, in which unfortunate persons had suffered great inconveniences, through the provisions of the act being such as he had described. The first case he should mention was that of an individual respecting whom information had been given, which subjected him to penalties amounting to more than the enormous sum of 100,000*l.* The hon. and learned gent. here read a passage from the evidence which had been given, in order to shew the House with what views such informations were preferred, and also to let them see how some persons had been entrapped into a violation of the law. From this it appeared that certain persons, knowing there were many numbers of an edition of the works of Cicero, commonly known by the name of the Elzevir edition, without title-pages, went about to different printers to get title-pages printed, under the pretence of wanting them to make the work complete. It was quite impossible to think that to these title-pages the address of the printer would be allowed to be affixed. One printer, however, more alive than the others to the provisions of the act, had put his name and place of abode on the title-pages he had thus been employed to print. This would not do, as it was obvious such title-pages were worse than useless, as they at once went to prove the work was not what it purported to be, the Elzevir edition. The others who were applied to in this manner, did not act with the same precaution, and in consequence penalties amounting to more than 100,000*l.* were incurred. The witness examined as to the fact, had, after stating the circumstances of the case, distinctly admitted that he had got them printed for the very purpose of giving information of the law having been violated. What was the consequence of all this? The magistrate, not being empowered by the act to exercise his own discretion in the case, and the party not being able to appeal at the quarter sessions, the former, to protect the individual, had himself been obliged to violate the law. Now after this, he would ask if some alteration ought not to be made, and if such was the situation in which a magistrate ought to be placed? Another person, who had been anxious to conform to the provisions of the act of parliament, had incurred a penalty by the omission of a single word. Proposals had been issued respecting the publication of some new military work. The person employed on this occasion had put his name, and place of abode, "Paternoster-row," but he had inadvertently omitted the word "London." Shortly after, as the act required the name of the town as well as the street, the printer having issued from his press a thousand copies of the article in question, was called up to Guildhall to shew cause why he should not pay the sum of 20,000*l.* for penalties so incurred. These facts, he really thought, were almost enough to make it felt by every one, that some alteration of the act was necessary. It was true it might be said the evils he complained of had been subsequently counteracted, in some degree, by an act passed to indemnify persons suffering under the operation of this law; but was this a system to be praised, which called for indemnity for those who had violated the law? Was it not better to amend the act than thus to come forward from time to time with a bill of indemnity? He would now state the case of an individual who had been convicted of violating this law, and cast in penalties amounting to 20,000*l.* whose conduct had been as little objectionable as either of those he had already mentioned: some addresses had been published at Southampton by the bakers of that place to the people of the town. The magistrates there, as in London, regulate the price of bread, on inspecting the proper returns, &c. They had done so on one occasion, when the bakers finding that, in consequence of their decision, they must lose on each sack of flour the sum of 1*s.* 3*d.* thought proper publicly to state the case, and submitted the hardships of which they complained to the consideration of the town. A person of the name of Cunningham, who is a printer, was then absent from Southampton, having gone to Portsmouth: 1000 of these addresses were wanted immediately, as it was of the highest importance to the bakers that their case should be made public as soon as possible. They were accordingly printed off, and information was immediately given that the provisions of the act were in some measure accidentally violated; and in consequence the printer, though absent at the time, was convicted, and cast 20,000*l.* in penalties. The magistrate had no power of discretion to modify the sentence, and all he could do was to promise to write to the Secretary of State for the home department; which, he understood, had since been done, and the printer relieved. In such a case, however, though the individual might never be called upon by government for the penalty thus incurred, the evil did not appear to be done away. It was to be remembered, that by the provisions of the act the informer was entitled to a moiety of the penalties recovered; and though the man might never be called upon for what he had been sentenced to pay to the King, he questioned if the informer could not commence an action for his moiety, and, in such a case, the unfortunate individual might be doomed to rot in gaol the remainder of his days. He could state fifty other cases in which persons might be cast in heavy penalties, where no such thing as the act was intended to guard against could be proved. He had seen papers relating to hospital vacancies, containing a list of the directors, &c.; articles relating to parties in that House; papers where the name was printed on one side, when according to the provisions of the act it should be printed on the four; and others in which omissions appeared of the most trifling nature, which subjected those connected with the press to severe penalties. He hoped the House would feel the propriety of that which he suggested, and without going at all into the original act, give the magistrates a discretionary power, or the parties who felt aggrieved a right to appeal at the quarter sessions. It was not his intention to go beyond these two points, but in one instance. The proprietors, printers, and publishers of newspapers were at present on a better footing than the printers of hand-bills and pamphlets, as the whole of their impression made but one offence. If a libel were printed to-morrow, in any newspaper, and a thousand numbers of it were circulated, the whole would constitute but one offence. He did not see why they should have this advantage over the printers of pamphlets and hand-bills, and he should therefore propose some arrangement for placing those last mentioned on the same footing in that respect as the former. He concluded by moving for leave to bring in a Bill to explain and amend part of the 39th of his present Majesty.

Lord *Folkestone* seconded the motion.

The *Chancellor of the Exchequer* would not oppose the motion, but he thought it rather hard that the legislature should be complained of after making certain arrangements for the regulation of any trade, if the inadvertencies of individuals were punished; when the act, like that alluded to, was perfectly easy to be understood.

Mr. *Henry Smith* spoke in favour of the Bill, for he thought what had been stated was *argumentum ad hominem;* and that of the assembly he addressed, there might be three-fourths of them subject to the penalties which the act imposed, and which might take their whole fortunes to pay. Many of them circulated a great number of printed receipts for rents, which receipts were equally liable, with all other printed papers, to the penalties, and all their rents might not be competent to the payment of them. He could mention a ridiculous circumstance. He had the honour of being attached to a guild, who had printed oaths, which they circulated to each freeman. The printing of these oaths was very ancient, and there was no name put to them; and he verily believed that all these oaths (oaths of allegiance) that were circulated since the passing of the act, might be said to be liable to the penalty.

Mr. *D. Giddy* was of opinion that some distinction ought to be made between papers and pamphlets of a pernicious tendency, and those of a different description.

Mr. *W. Smith* contended, that the provisons of the act might not be so easily known by those whom they might affect, as the Chancellor of the Exchequer seemed to think. He had just had a paper put into his hands, which had been issued by the right hon. gentleman himself, which was liable to be affected by the provisions of the act, and it was probable that he had incurred the penalties imposed by the act, in a thousand similar instances.

Mr. *Martin* made a further observation on the responsibility of the pamphlet printer over that of the printer of a newspaper. The former, in addition to the penalties incurred by failing to observe the regulations of the act, was liable to be prosecuted for a libel, if the hand-bills or pamphlets he published contained one.—Leave was then given to bring in the Bill.

HOUSE OF LORDS.

Thursday, March 21.

LIBERTY OF CONSCIENCE BILL.] Earl *Stanhope* addressed their lordships on the great fitness and propriety of enacting, by a separate legislative provision, the proposition he brought forward on a former evening, and proposed as a clause or rider to the Mutiny Bill. The title of the Bill he now proposed to introduce was, "An Act for the better securing Liberty of Conscience."

The Earl of *Liverpool* did not object to the first reading of the Bill, but reserved to himself the opportunity of expressing his sentiments with respect to such a measure on a subsequent stage. He continued, however, to think that such a legislative provision was wholly unnecessary.

The Bill being read a first time, the noble mover named an early day for its second reading, which the noble lord on the woolsack thinking too soon,

Earl *Stanhope* urged, as a reason to the contrary, the extreme brevity of the Bill, which contained but two clauses, and was very unlike those cloak-bags of acts, which the noble and learned lord was used to.—He notified his intention to move the second reading of the Bill on Tuesday.

DEBTOR IN THE MARSHALSEA PRISON.] Lord *Holland* rose to move, pursuant to notice, for the printing of the evidence and the verdict given at the inquisition of the coroner of Surry, on the view of the body of the unfortunate man who died in the Marshalsea prison. The noble lord prefaced his motion with a variety of observations, tending to shew the propriety of the proceeding he recommended, and also of a further investigation into the business. There appeared to him, on his view of the evidence, a degree of inconsistency between what had been so delivered, and the verdict pronounced by the jury. A degree of mystery seemed to hang upon it, and even in justice to the jury, the proceedings, he thought, should be printed, and the whole case further investigated. Were his interference on the present occasion attended with no other effect than to call the attention of the legislature generally to the state of the prisons, he was satisfied that his endeavours would not be wholly useless. He did not mean to attribute blame to any individual with respect to the actual state of the prison in question, or to impugn the humanity of the keeper of the prison, but the state of the prison, as to the building, and want of accommodation, was such as to render it improper for the purpose for which it was designed.

The Earl of *Aylesford* made a few observations in consequence of what fell from the noble lord. He expressed his desire for every proper investigation to be made into the affair alluded to, and his individual willingness to exert himself to that end; but he suggested that the appointment of a Committee to inquire would be a much more efficacious mode. His lordship also observed, that the buildings and repairs alluded to by the noble lord, for the better accommodation of the prisoners, were in considerable forwardness.

After a short explanation from lord Holland, and a few words from lord Ellenborough, the motion for the printing of the verdict and evidence, was agreed to, and a Committee of Inquiry appointed.

DOLLARS OR BANK TOKENS.] Lord *Grenville* said he should beg leave, before their lordships proceeded to the order of the day, to call their attention to a circumstance which appeared to him of the utmost importance. What he was about to advert to, every man was acquainted with, namely, the Directors of the Bank of England having taken upon themselves to exercise the highest prerogative of the sovereign, not less than to raise the denomination of the current coin of the realm, and by the advice of a Committee of the King's privy council. He confessed that all the ideas he had formed of the monarchy under which we lived, and even all his ideas of the parliamentary constitution of the country, were erroneous, if the measure to which he alluded were justifiable. It was further to be considered, that these steps were taken without even referring to or consulting parliament; and this too at a moment when the House of Commons was actually engaged in the consideration of the subject. He proposed to move for a copy of the Resolution of the Directors, in order to bring the facts of the case regularly under the purview of the House, and to enable their lordships to form their opinions, not only upon the particular measure, but upon the great subject connected with it. It must be plain that the monied circulation of the country was unconstitutionally interfered with, when such steps were taken to increase its denomination. He was aware of the wretched quibble attempted to be interposed; he meant that the Dollars in universal circulation as coin, would, by noble lords opposite, be regarded, on this occasion, not as the current coin of the realm, but merely as Bank tokens; but this was a subterfuge which he trusted would not be attended to in the consideration of this most important business. His lordship concluded by moving for the production of a copy of the Resolution of the Governor and Directors of the Bank of England, for raising the denomination of Bank Tokens, or Dollars, now in circulation, &c.—On the question being put,

Earl *Bathurst* expressed his satisfaction at the subject being brought forward, as no persons could be more anxious for its investigation than the members of his Majesty's government, who readily took all the responsibility on themselves. With respect to one pointed remark of his noble friend, he must observe, that any man must plainly see the difference between the regular current coin of the realm, issued by his Majesty, and the Tokens of the Bank, which were only to be regarded in the same light as Bank-notes. He must take that opportunity to protest against any conclusion drawn from this measure, as to the depreciation of Bank paper; all that could be inferred from the transaction, was a rise in the price of silver. This might be attributed to various causes, especially, perhaps, to an increased demand for that precious metal, but it could, by no means, be attributed to any depreciation of the notes issued by the Bank.

The Earl of *Lauderdale* entertained a different opinion upon the subject, and referred to some instances in history, where, in cases nearly similar, such transactions were held to involve a depreciation of the paper currency. He coincided with his noble friend, with respect to the identity of the dollars so circulated with the current coin of the realm. Such a miserable attempt at distinction, was, he observed, amply refuted by Locke, and other intelligent writers upon the subject.

Lord *Grenville*, in reply, observed, that the time would come when the Bank Directors would have to answer for their conduct with respect to other matters, as well as that in question; but in the present instance, the King's government, by their conduct in the transaction, were to be considered as parties, as they lent their advice and authority to the Bank Directors; and the coin alluded to, it appeared, was also circulated under the authority of his Majesty's government.

Earl *Bathurst*, in explanation, denied the inference, that his Majesty's government had declared them a legal tender.

Lord *Ellenborough* took occasion to observe, that such a step was not regularly in the power of ministers. By the law and the constitution, that power was vested elsewhere.

The Earl of *Ross* made some observations with respect to the state of the paper currency, particularly in Ireland, where it was in far more favourable a state than some noble lords seemed to think. The issues of the Bank of Ireland had narrowed considerably since the investigation took place; the state of the exchange with Ireland was improved; and the difference between a guinea and Bank paper was, in that country lately, only four-pence.

The Earl of *Lauderdale* adverted to the causes of the improved state of the Bank of Ireland currency, as alluded to by the noble earl; it was principally to be attributed to the great reduction of the issue of Bank of Ireland notes, which took place soon after the inquiry.

Earl *Stanhope* entertained similar sentiments with noble lords on his side of the House, respecting the recent conduct of the bank directors. He reprobated it as a transaction of which the foulest advantages might be made, in case of the directors having given private notice to their friends of their intention to raise the price of dollars upon such a day. There had been cases as bad. It was known that some individuals had by some means extricated certain secrets from Mr. Pitt, when at the head of affairs, and by means of such secrets, they had acquired large properties. The motion was then agreed to, as was also a motion for an Address to the Prince Regent, praying, That copies of the correspondence between his Majesty's government and the Bank of England, on the occasion in question, be laid before the House.

DEFENCE OF PORTUGAL.] The order of the day for the consideration of the Prince Regent's Message on this subject being moved, the Message was read by the clerk, after which

The Marquis *Wellesley* rose, for the purpose of moving an Address to his Royal Highness on the occasion. It was one, he observed, on which he naturally expected that under the circumstances of the case, the general concurrence of their lordships, would be signified. The facts and circumstances to which the message referred, were of indisputable notoriety, and the policy and wisdom of the measure to be proposed rested upon principles of public faith, and incontrovertible grounds of public wisdom. On these grounds, in the present stage of the discussion, it would be the less necessary to enter into the reasons upon which his Royal Highness founded his expectations of receiving the general concurrence and support of their lordships. They all knew and should feel, that the present moment was the very crisis of the fortunes of our magnanimous ally; she was in the very zenith of her exertions, co-operating with us against the common enemy; and surely it was impossible to think that an idea or a desire could be entertained of checking or suspending the successful progress of our common exertions. The exertions made by Portugal, independent of the aid she received from this country, were of themselves considerable; but how much more efficacious these may be rendered with due assistance from this country, may be inferred from what was now well known to their lordships to have resulted from the aid already afforded by us to Portugal. She had been stimulated thereby to a degree of exertion before unknown in the annals of the country, and these efforts, when assisted by and combined with those made by Britain, had produced a tide of success unparalleled in the history of any country in Europe. Her present formidable military force has risen from a lower scale of establishment and discipline than could be paralleled in any country of Europe; but it had proceeded progressively under the inspirating auspices of excellent and skilful British officers to its present state of perfection. To prove the value and efficiency of the Portuguese troops, he need only add, that during the campaign which had just passed, they had been sharers in all the toils endured, and partners in all the glories achieved, by the British soldiery. But this was not all; the system to which his Royal Highness in his gracious message referred, had proved a pregnant and perennial source of other important advantages. It tended to exalt the Portuguese militia to a degree of vigour and activity worthy of a powerful regular army; and further, it was the means of bringing forward an armed peasantry, who may well be styled the great defensive mass of the country. The more the line of policy which had been pursued was considered, the more its advantages would appear. An organized militia was established, which could act in co-operation with a regular and powerful army stationed in a central situation, and opposed to the main body of the enemy's force. The advantages derivable from such a military system of defence or annoyance were reciprocal. Such different descriptions of force operated in favour of each other, and thus a two-fold advantage was obtained over the enemy. A question, indeed, might be started, or rather a point to be considered, was, what had been the result? To this he had to answer, that it was undeniable that the country had been hitherto successfully maintained against the military power of the enemy. Under all these circumstances, a doubt could never have been entertained as to the general policy of defending Portugal. She had made every effort on her part; and on every principle of national honour and sound policy, she should have the aid of our utmost efforts. To look further at this part of the question, he observed he had never heard any person deny that the defence of Portugal was at the same time also a main instrument for the defence of the whole Peninsula; neither could it be denied that from such a quarter we could act with the greatest advantage in case of any great or favourable event occurring in Spain. The only remaining question to be considered, then, was, whether the proposed aid towards the defence of Portugal should be continued, or whether—he would not use a stronger term—we should with an untimely hand, after rousing the slumbering energies of this people, damp the spirit which had been thus created, instead of feeding it, and renewing its vigour?—whether we should not stimulate the exertions, encourage the hopes and furnish aid to the patriotic efforts of a country nobly struggling for her independence?—whether we should not lend her additional assistance to strengthen and invigorate those powers which already exist, and are in a train of success, to improve those great and incalculable advantages, which such a train of circumstances and such a state of things naturally and obviously present? There undoubtedly would be many occasions for regularly and fully discussing the whole of this important subject, and for such discussions no man could be more anxious than himself. But in addition to the various other reasons for the adoption of the measure in question, he must advert to that unanswerable consideration, that it had stood the test of experience, and proved its merits. We were bound therefore, equally in interest and in honour, to continue our assistance. There remained now only one other point upon which he would trouble their lordships. It was to be recollected that his Royal Highness had, through his commissioners, expressed his desire to hand over to his Royal Father on his happy restoration, which he trusted in God might speedily take place, every part of the system of government, every branch of national policy, and every description of public affairs, unimpaired, and in the same state in which he had received them, unaltered and undiminished. On every ground, therefore, whether referring to the glory, the honour, or the interest of the country, their lordships, he trusted, would feel it incumbent on them to concur with him in the address he should have the honour to propose. The Noble Marquis then moved an Address to the Prince Regent, corresponding with his Royal Highness's message, and assuring him of the concurrence of the House in enabling his Royal Highness to continue the assistance afforded last year to Portugal, and for affording such further aid as circumstances may require.

Lord *Grenville* said, that the situation in which their lordships at present stood was peculiar and unexampled, a situation which would by no means justify any relaxation in the discharge of their duty to the country, but which imposed on them embarrassments and doubts as to the manner in which that duty ought to be discharged. It was notorious that, on account of the calamity which had befallen them, the constitutional relation between the crown and its ministers and Parliament was completely suspended. He had no idea, however, that the functions of Parliament were also suspended. He had no idea that they were not to adopt what measures might appear best for the interest of the country—that they were not to adopt what would place the country in the most favourable situation when his Majesty should have happily to resume the government—but that they were to put the country into the same situation in which it was at the commencement of his Majesty's malady—that they were to endeavour to arrest the progress of time—that they were to pay no regard to the happiness and prosperity of the millions with whose rights they were entrusted, but merely to consider what was the precise situation of the country, and what was the exact state of its relations on the 25th of October, and to preserve it critically in that situation. On that 25th of October, after all the glories and all the triumphs which this country had obtained, its situation was in no small degree disastrous and calamitous; but, however disastrous and calamitous that situation might then have been, it would be happy for his Majesty, and happy for his subjects, that the country should be delivered over to him as it then was. But ministers have not arrested the wheel of the revolution that was going on; they had not arrested the progress of the calamity which has desolated Europe. By their notion of preserving the country in the same state, both as to internal policy and external relations, as at the commencement of his Majesty's malady, ministers meant nothing more than the accession of every measure which could be advantageous to the public interest, and this from some supposed desire of the Prince Regent, not arising from a concern for the advantage of the people, but with that cold and narrow view of merely placing the country in the exact situation in which he received it. He was convinced that the Prince Regent never held such sentiments. But whatever were his sentiments, it was their part to consider what was their duty—not what was the situation of the country at any one period—but how they might, in the existing crisis, with their counsels, best produce the happiness, the prosperity, and the glory of its people. He must, therefore, he said, take the liberty to dismiss from the present discussion what may have been the situation in former periods; because, in his opinion, it was the view of its actual situation only which their lordships were called on to entertain.

In the little that had been said upon the real question before them, there was one thing he should particularly remark on, as possibly in that House the only opportunity they would have of considering it, the close of the Session being near. The whole question was agitated as if the assistance to be continued were to be only of the same amount as that voted last year.—If he could banish from his mind all that had taken place during a former discussion, he should imagine that they were merely called on at present for a renewal of their vote; and as they then decided to give one million to the Portuguese, that all that was now proposed was, to keep up the same force. Would it be conceivable by any man who heard the speech of the noble marquis, that they were now called on for double that sum? It was spoken of as a thing of course. It was said they were asked to do nothing more than not to withdraw their assistance. The question, however, for their consideration was very different. It was not whether they were to continue their assistance, but whether, in the situation of this country, it was safe or politic to grant two millions for the support of an additional body of Portuguese troops?—Of this addition they were told nothing. Last year they were told distinctly what was to be the application of the sum voted—there was something like the semblance of an estimate—they were told that it would be expended on a certain army of Portuguese troops—but now they were not even told that an additional million was wanted, still less were they told how that million was to be disposed of, whether the pay was to be increased, or whether the forces were to be increased, or what was the controul under which the disbursement of that expenditure was to be placed?—Of all these circumstances they were told nothing—they were left in utter darkness, and the conclusion was conceived to be irresistible, that because one million was granted last year, it became necessary this year to grant two millions. This system, so long as it was persisted in, was hastening the country with accumulating rapidity, to that ruin which seemed almost inevitable.

It was not his object to give opposition to this or to that particular grant; he did not mean to oppose the application of this or of any other particular sum, but he gave his decided opposition to the whole system. The situation of the continent, he contended, was such, that without great assistance from the natives it was impossible, with any military efforts of our's on the continent, to resist that power which has all Europe at command. When he stated this, it was necessary to guard against misrepresentation. It was undoubtedly most desirable to this country to witness and to aid in the emancipation of Europe. It was most desirable to keep this consideration constantly in view, that the moment may arrive when this country shall again successfully resist, and may finally overthrow, the common enemy of Europe. But the struggle could never be carried on by this country on the continent single-handed. In conformity to the practice of our ancestors, this country, whose chief strength lies in her navy, cannot successfully contend out of her own element, without powerful military co-operation on the continent of Europe. When that subject was first discussed, he had told their lordships, that many modes of acting were open, without compromising or committing their army in vain; and that the line of conduct pursued required greater efforts than they were able to continue. Undoubtedly, if the question was, whether it was desirable that Spain and Portugal should be relieved from the yoke, millions of treasure, and the lives of thousands, could not be better employed than in so noble a cause. Every emotion of the heart would prompt us to join in so glorious a cause; every freeman would rejoice that so iniquitous a plan of subjugation should be frustrated. Would to God that such a prospect existed! no individual would more seriously rejoice at it than he should. He would not only consent that assistance should be given, but he should wish that every sacrifice should be made for such an object. With regard to Portugal, they had, in addition to that common feeling, the long-continuance of treaties and the strong sense of united interests to influence them. But in the consideration of the political interests of a great country, it was not merely what was desirable, that ought to be adopted: their lordships were bound to consider and determine, in the first instance, whether any probability existed, that any efforts, which it was possible to make, could be successful; or whether, by mistrusting those efforts, which under a more seasonable application of them might succeed, they would not only make them frustrate the immediate object in view, but also contribute to produce the very reverse of that which they were intended to accomplish. It was not because he entertained an opinion that the country should abstain from generous, if only useful and possible, efforts; it was not because he entertained the doctrine that they were not interested in the fate of Europe; it was, because he saw no hope of salvation to the country so long as Europe remained under subjection to France, that he wished her at present carefully to husband her resources. It was not from selfish motives that he wished their lordships to act; it was not merely from considerations of their own advantage; but from the most generous of all motives, that they might at last be able to act with effect, and in the great cause of all nations to employ their whole energies with success. They had been told that night, that it was proper still to continue their efforts; and they were told this as if up to that moment these efforts had been successful. "Look back" (said his lordship) "to Spain—look to the sacrifices, to the losses which have been there sustained, in wild and impracticable projects, and see the situation in which Spain is at this moment—look to the immediate object of this motion, Portugal. What had been the fruits of the operations there? What is now the state of Spain? What the situation of Portugal? What return has been made to this country, what benefit has she reaped from the immense exertions, the enormous sums that have already been expended in aid of that cause? All that we have been told in answer to this question is, that the enemy has not yet been able to achieve the conquest and subjugation of Portugal; that the British army is still there.—Yes, the British army is still there; but does it possess more of the country than the ground which it actually occupies? This is all that is held out to your lordships respecting the present state of affairs in that country. As to the future, not one word has been uttered to encourage our hopes, to cheer our prospects, to afford the slightest consolation for all the efforts and sacrifices which have already been fruitlessly made in pursuit of the same unattainable objects. We are not even told that all this enormous expence will tend to defend and ultimately secure Portugal. The only reason and encouragement with which we are favoured in justification of it is, that it is hoped we may long continue to maintain that narrow spot of ground which our army now occupies. Thus, in hazarding our best means, we do not essentially contribute to help or save Portugal, while we vainly drain our own resources, and risk our own safety—those resources which, if prudently managed, and providently laid up for a more propitious moment, would not only secure, but might also be effectually employed in the support and defence of other countries. Not that in making these observations I would be understood by your lordships as not taking the most lively interest in the cause of the peninsula, and as not being as willing as any man to make every effort and sacrifice in support of that cause, if in making such efforts and sacrifices there were any fair prospect of their not being made in vain. Upon this point I have been grossly and shamefully misrepresented. Never have I said, never was it in my intention to say, that the British empire was not directly and deeply interested in the fate of the peninsula—on the contrary, it was because I had the cause of Spain and Portugal sincerely and warmly at heart, that I felt anxious, that your lordships should pause in this wild and mad career of thoughtless prodigality—that we should look our own situation in the face, and learn from the contemplation of it the necessity of economising our national resources, not with sordid or selfish views, but that we may be able at a period more favourable than the present, to lend to the cause of the nations of the peninsula, or to that of any other country similarly situated, that support and those exertions which, when made under all the circumstances of our present situation, must be found not only wholly unavailing to our allies, but highly injurious to ourselves."

He should be the last person, he observed, whether by speech or insinuation to detract from the merits of brave men armed and fighting in their country's cause. God forbid that he should ever harbour such sentiments. He was willing to admit that irregular and regular troops, acting in concert, were the best means of defending a country, and that without the application of both these species of force, they could not avail themselves of all the resources of war. But the question went higher than this. It was necessary before this, in any circumstances, and much more in our present circumstances, to inquire whether there was any rational prospect that these two millions, added to the enormous profusion which had already taken place, would produce any adequate advantage to compensate such a burden. They were bound to ask this question under any circumstances, and even under the most prosperous circumstances; but surely they were much more bound to ask this question now, when they were aware of the condition in which the finances of this country were actually placed. He had no wish to aggravate the final issue of the present difficulties; but when he considered what these difficulties were, he could not but think the present measure was exceedingly impolitic and ill-timed, It was not usual for this country, he knew not indeed if there was a single exception, even in the most prosperous times, to subsidize foreign troops before first examining the estimates of our own expenditure, and the situation of our own country. This was a good and salutary course. It enabled the members of both Houses to know that they had discharged their duty, and that they had not lavished the money of the public before they were apprised of what were the demands on it, and what the sacrifices required. How then should they take upon them to grant these two millions, before they had ascertained what sacrifices were demanded, what resources they had to supply these demands, what were the exigencies of the navy, and what protection could be afforded to the commerce of the country, if any commerce remained? They were told in the speech of the King's ministers, not that the revenues of this country had fallen off, but that there existed some financial difficulties in Ireland. When in former times extraordinary demands were made on this country, it was known whence these demands could be supplied, by the prosperous and growing commerce of the country, This enabled them to stand against a host of enemies; and that commerce has yet enabled them to maintain a proud front of defiance to the enemy. But look to the present agriculture and commerce of the country. With respect to its agriculture, in what situation were they when called upon to relinquish the main system of that agriculture? and, with respect to commerce, did they not know, that there was adding to the mass of paper at this moment in existence, the sum of 6,000,000*l.* as if there was not paper enough already in the country, in order to protect their commerce and manufactures from destruction? As to the fruits that would result from this measure, he should express himself more fully in a future discussion, and he even here merely considered it as one feature of the waste of those resources to which they were to look in their financial difficulties. A measure something similar took place at a former period, the propriety of which he very much doubted at the time; but then the evil merely arose from want of confidence in those resources which existed, which had only to be called out; whereas at this time the evil lay in the stagnation of commerce itself. But he would not dwell on the discussion of this topic, he wished merely to point to the singular period they had fallen on, to vote such enormous sums. They were told that they were not only bound in policy, but that their good faith was pledged to continue their assistance. As to good faith or policy, he could not see that either called for this addition, though aware that the union of interests long subsisting between the two countries might on ordinary occasions have its force; but they had to recollect, that there was another country with which they were yet more closely and vitally connected by every tie, namely, Ireland. He did not speak of Ireland with regard to the general policy adopted there, nor to show the conduct that reason and common sense would have there adopted, but merely with regard to its financial situation; and he thought that before they were called on to pay Portugal for the maintenance of her own soldiers, they ought to consider what means they could adopt to fill up the deficiency in the revenue of Ireland. He called upon them to weigh the ways and means that remained for this, as he should be glad to know what these ways and means were. If the revenue of that country was deficient between one and one and a half millions below the ordinary expences, it might be prudent to advert to it before supplying the deficiency of Portugal. On the whole, therefore, he should give his decided negative to the motion, because he disapproved of the whole system; because three campaigns had more and more shewn its impolicy; because every circumstance was at present adverse to the prolongation of the contest; because he saw that system hastening the country fast into a gulph of inevitable ruin; and because, although at no time justifiable, it was brought forward at a time perfectly irregular and unparliamentary, before parliament had any information as to the actual state of resources of the nation, or their adequacy to so large an additional expenditure.

The Earl of *Liverpool* was surprised the noble lord should complain that no intimation had been given of the amount of the aid now proposed to be afforded Portugal. Was not the amount of that grant most explicitly stated in the address which had just been moved? Did it not appear from the votes of the other House of Parliament, now on their lordship's table? Had he not himself declared it explicitly on a former night, when the question respecting the amount of the intended subsidy was put to him by a noble lord? So much for the deficiency of information in that respect, of which the noble lord so loudly complained. He would now say, that there existed at present important grounds in addition to those which induced their lordships last session to agree to the grant of money to Portugal; and these additional grounds fully justified, in his opinion, the addition that was now proposed to that subsidy. He had only to recal to the recollection of their lordships the circumstances which passed when the first subsidy was proposed. With respect to the propriety of the assistance, the noble lord last session opposed it on the ground that the opportunity for acting was past, and that no man could hope for the creation of a Portuguese force of the description proposed.

Lord *Grenville* rose to explain.

The Earl of *Liverpool* said, the noble lord would have an opportunity when he had concluded.

Lord *Grenville* said, that had he misrepresented his sentiments that night, he should have waited to the end of his speech; but as he was misrepresenting his sentiments on a former occasion, it was proper to expose the misrepresentation immediately.

The Earl of *Liverpool* continued to observe, that such had been at the time, not only the view of the noble lord, but it was widely entertained by many who were most anxious to give every assistance to Portugal, and who differed totally from the noble lord in sentiment. They had in this instance proposed the measure submitted by the motion of his noble friend, upon no speculative ground, but founded on an experience of exertions on the part of the Portuguese, which had exceeded the expectations even of the most sanguine; and far surpassed any calculations in which he himself had ventured to indulge. As to the general policy of subsidies granted to foreign powers, he had frequently before discussed that subject with the noble baron. He knew that it was the opinion of many, that they generally tended rather to cramp the energies than to call forth the resources of those states. He was aware that it was a common argument to say that we did not get the value of our money. But the present was an occasion which could not be tried by any such principle; it was made evident that, in return for the expenditure of the sum voted last year, we had succeeded in gaining greater advantages than were anticipated by any person in the country. The Portuguese had not only a large efficient regular force, but a numerous militia, making, exclusive of the Ordinanza, an army of between 80 and 90,000 men; an army which had already on numerous occasions contributed essentially to the safety of their country. There were persons now in London, by communication with whom it was easy to ascertain the important fact, that at the battle of Busaco the Portuguese troops acted in a manner deserving of the highest encomiums. From these circumstances, and from a reference to what had actually been done, their lordships had the satisfaction of seeing that what to some had appeared impossible, to others extremely doubtful, had now been fully realised. The noble baron had asked, how was the sum, which parliament was now called on to grant, to be applied? He wished to answer distinctly, to military purposes only; and he felt the highest satisfaction in informing the House, that four-fifths of the whole revenue of Portugal itself, had been appropriated to the same purposes. There was, nevertheless, a deficiency still under the original estimate, arising in a great measure from the increased prices of the necessary supplies. The ground, however, on which he particularly recommended the vote, was the degree and amount of the exertions that had been made in Portugal towards raising an efficient force.

There were some other topics of the noble lord's speech, on which he felt desirous of making a few observations. Although unquestionably he felt all the warmth and enthusiasm which the situation of the nations on the Peninsula kindled in every British mind, yet he must declare that the government of this country had not conducted their measures by any views or principles of a romantic character. On the contrary, they had acted on a firm persuasion, that in aiding Spain and Portugal they were effectually supporting the cause of Great Britain. He appealed to the policy of our ancestors, which had always regarded Holland and the Peninsula as those parts of Europe with which it was essential to our best interests to maintain a close connection. In pursuit of this object, thus deemed of such importance, the best blood of our country was lavished a century ago. That House had at one period come to a solemn resolution, that this country never could make peace with safety, so long as the crowns of France and Spain were united in one family. How different, and how much more menacing were the circumstances of the present time, and how much more formidable were the projects of the present emperor of France! It certainly was desirable that all parts of the continent should be delivered from the domination now exercised over them; but there might be a period when it would be useless and imprudent to lend them any assistance, when it was at the same time an object of the wisest policy to persevere in every effort for the preservation of the independence of the nations on the Peninsula.

He now came to the question of practicability. He admitted its importance, but considered experience as its best test. If the House looked back to the commencement of the contest in 1793, he believed it would be impossible to name a conjuncture that presented a fairer prospect. The campaign of 1805 was over in three months; in as short a period the Russian war was terminated; and in a still shorter the Prussian monarchy was overthrown. If they looked to the duration of the war in Spain and Portugal, they found themselves in the third year of an unremitted struggle. In 1809, the House was told that it was perfectly vain to contend against the power of France; in 1810, this prediction was repeated; and now, in 1811, they still heard the same assertions. He was, however, happy to say, that there was not a single province in Spain in which the enemy had yet succeeded in establishing an unresisted authority. The contest, compared to any other, which the French had had to sustain, had been great, had been gigantic; and he was convinced that the mind of the Spanish people was yet unconquered, and he believed unconquerable. It would be a new fact in history, if a nation rising as Spain had risen, could be overcome. As to what had been said by the noble baron, of the British army possessing no more of Portugal than the circumscribed space within its entrenchments, he would beg leave to remind him that there were four provinces in that kingdom which not a French soldier had hitherto entered. The situation of the army was that, which had been chosen by its commander as one which enabled him to oppose the enemy with the greatest advantage and effect. And here he would ask, had not the character of French wars and French armies been somewhat changed by the events of the last three years? Whether the tone of that government was what it used to be, when the French ruler proclaimed his march to be irresistible, and announced with such presuming confidence his intentions of driving us into the sea?

The noble lord had objected to the time and form of the vote proposed, which he considered as unusual and unparliamentary. He could, however, produce many instances in which similar votes had been passed, immediately after the army estimates had been laid before the House. As to its amount, and the means of the country as connected with it, he must again express his decided opinion, that so long as there was a fair prospect of success, it was the policy of this country to avert the battle from its own shores. He believed that nine-tenths of the country would rather continue to sustain the burdens or privations it might impose, than abandon the struggle in the Peninsula. The noble baron had dwelt on the interests of Ireland: but how must her danger be increased, if the western coasts of Spain and Portugal should be in the possession of the enemy. So powerfully did this consideration operate on his mind, that he must conceive Ireland more, if possible, than any other part of the empire interested in the present crisis of the campaign. Should all the exertions that had been made ultimately fail, and the conflict be at length transferred to our own shores, we should still reap this important advantage from the present measures, that we should have an experienced army to depend on. When the fate of Russia and Prussia so clearly shewed that it was not to regular forces that the safety of nations could be always securely confided, if those forces were without experience, it must be gratifying and consolatory to know, that in the last extremity there would be a British army who had acquired a practical skill in the arts of war, who would be then entrusted with the defence of their native land.

The Earl of *Grosvenor* observed, that when he recollected the sanguine hopes which had been expressed concerning the probable results of our expeditions to the Peninsula, he could not help feeling considerable disappointment. He was willing yet to indulge an expectation that something might be done, though it must depend on many contingencies, and particularly on the conduct of his Majesty's ministers, who were acting under a most heavy responsibility. It appeared, however, that we must no longer look for the voluntary exertions of the natives in the Peninsula, who were henceforth to be dependent on our subsidies. After several further observations, the noble earl said, that he could not entirely acquiesce in the sentiments of his noble friend (lord Grenville), and should therefore assent to the motion.

The original question was then put and carried.

HOUSE OF COMMONS.

Thursday, March 21.

Press in India.] Lord *Archibald Hamilton* said, that in rising to submit his motion for copies of all orders and regulations respecting the Press in India, he felt it necessary to state not only what his object was, but what his object was not. It was not his intention in that instance to find fault with any of the regulations to which his motion referred; nor was it his intention, to suggest to the House any measure so incompatible with the nature of our government in India, as a free press. He, therefore, desired it might not be imputed to him, in this night's debate, that his motion was intended to embrace any such object. He had, indeed, formed an opinion upon that subject—and felt no difficulty in declaring, that if the paper he now moved for was produced, and if it should be found to contain such regulations upon the press, as he was led to believe it would exhibit, he might possibly think some future attention to this subject advisable. But his motion of this night, was not of any such nature. All he now asked for was information, that an opportunity might be afforded to himself, and the members of that House, of knowing what were the laws upon this subject, which prevailed for our fellow subjects in India, and upon what authority those laws rested—and what was the penalty of transgression.—The trials which had lately taken place at Madras, had certainly created a considerable ferment. That ferment had been imputed to the unwise and authoritative interference of the government with the courts of justice.—And certainly the refusal of the government to allow those trials to be printed had, in fact, augmented that ferment, and seemed almost to warrant that imputation. If all the proceedings had been regular and fair and correct, what harm could a printed account of the trials do? If, indeed, the proceedings had not been regular nor correct, it was then natural enough for power to interpose, and forbid their publication. In either case, however, his motion ought to be granted, in the one case to justify the government, in the other to reform its practice. But upon the general reason of the case, he felt himself still more strongly justified in calling for this document. He was aware that it might be urged against him, that, though there might be no positive law, a long practice was sufficient to establish an usage, and that such usage must have the efficacy of law. But he would not admit that any usage, unsupported by law, could justify such regulations respecting the press as now existed in India, and as had never been sanctioned by that House. He wanted to know, not only what the law was, but upon what authority it had been established. The government of India seemed to think itself, on some occasions, entitled to legislate for India, as in the present instance; and on other occasions, actually to supersede and set at nought the declarations and resolutions of this House. They were all aware that it was contrary to law to make conquests to extend the territories of the India Company, and they equally well knew how that law had been obeyed. If that House should not interpose its authority, to restrain the violations of law in India, it was impossible that that important branch of the empire could be well governed or long retained. Another instance of the usurpation of the power and jurisdiction of that House, by the government of India, he must mention, because it was more immediately connected with the subject of his motion this night.—When the Province of Oude was seized (so unjustly and tyrannically as he thought) in the name of the Company, a proclamation had been issued, falsely stating that the seizure had received the approbation and sanction of the king and the parliament. Thus had the press been used to usurp the authority of that House, and to belie the legislature at home; and are we now to see it restraine from detailing the proceedings in our ow courts of justice, and not be permitted t know either the rules or authority b which it is governed? He should, in th next place, beg leave to inform the Hous as to what he understood to be the substance of the regulations respecting th press in India—if not the whole, a least a considerable part of these regulations. By these regulations, no newspape could be published in India which did no previously receive the sanction of the secretary of the government. Whethe this regulation was right or not, he did no mean then to contend: he only wanted t know by what authority the regulation ha been established. The penalty for transgressing this regulation was immediat embarkation for Europe. The noble lor here quoted the authority of a learne judge (Sullivan) in India, to show that n power could exist in the government arbitrarily to restrain the liberty of the Pres in India—that liberty of the press whic was the right of every Englishman—whic was the surest guard for his freedom, an the best check upon the courts in the administration of justice. It was to ascertai upon what grounds this breach of th law had taken place, that he wished to call for copies of the orders and regulations He found it also laid down in the regulations that certain rules were framed for th guidance of the secretary of the government in revising the newspapers. He wa to prevent all observations respecting the public revenues and finances of the country—all observations respecting the embarkations on board ships of stores, o expeditions, and their destination, whethe they belonged to the Company or t Europe—all statements of the probabilit of war or peace between the Company an the Native Powers—all observations tending to convey information to the enemy and the republication of paragraphs from the European papers, which may tend t affect the influence or credit of the Britis power with the native states. If the pres was to be prevented from publishing anything under these several heads, he wa at a loss to know upon what subject any observation could be published. Though he would repeat, that he did not now mean to say that any of these regulations were wrong, yet when the papers, if granted should be produced, he was of opinion tha others would be of the same sentiments with himself upon the subject. As to th trials at Madras, he should only observe, that hitherto the administration of justice was considered pure; amidst the general havoc, the universal gloom, which our political measures had spread over India, he had always been accustomed to regard the proceedings of our courts of justice there, as exhibiting a splendid and honourable contrast; but in this instance, the courts seemed, by their not allowing the publication, to be ashamed of their proceedings. If they were not ashamed of them, they ought to allow the publication, if only to allay the ferment which was excited by these trials. The publication could do no harm, and might do much good. The noble lord then stated, that two grand jurors and three petty jurymen had been sent away from Madras for their conduct on these trials. He would ask, whether, under the present ambiguity of the law, any man could have a fair trial, or by what authority he could be tried at all, or for what offence? Let it be recollected, the judge he had before alluded to (Sullivan) had questioned the foundation on which this power of subjecting the press to inspection previous to publication, rested, even with regard to newspapers, and had stated, that till lately, it had never been carried further. But the case he had brought before the House, this night, was not a restriction upon a newspaper, but a silencing veto of publications on a court of law. It was not restraining opinions, not preventing discussion, not repressing theories, nothing of this kind; but it was denying to our fellow subjects in India, the simple privilege of reading in print, the simple account of their own transactions in their own courts of justice, as they had actually taken place. And if the paper he moved for should be denied, it would be a refusal by this House of the fittest evidence on which this practice of assuming despotic controul over the press in India, by the government there, could be checked and reformed, if wrong, or justified and confirmed, if right. The noble lord concluded by moving, "That there be laid before this House, a copy of all Orders, Regulations, Rules, and Directions, which have been promulgated since the year 1797, regarding any restraint of the Press, at the three presidencies of Bengal, Madras, and Bombay, or which have been acted upon by the governments there without being promulgated, or which have been sent to India by the Court of Directors, or by the Board of Controul."

Mr. *Dundas* would state, as shortly as possible, the reasons which made him feel it his duty to oppose the motion of the noble lord. The noble lord had founded his proposition on two distinct grounds; the one, certain proceedings which took place in the courts of Madras two years ago; the other, the general principles respecting the press, which, in his lordship's opinion, applied equally to this country and to India. With respect to the first of these grounds, he had to complain of the noble lord for introducing the subject on the present occasion; the House being aware that the whole of the proceedings on the trials at Madras were already ordered to be laid on the table, till which period any agitation of the question was premature. With respect to the general reasoning, the noble lord, while he professed not to found his motion on any condemnation of the regulations by which the press was restrained in India, asserted that any restraint on the liberty of the press in India was improper. [Lord A. Hamilton observed, that he had not said so.] Such was certainly the impression made on his mind by the remarks of the noble lord. As to the liberty of the press, surely no man could be so wild as seriously to entertain an opinion that the principles which were applicable to that liberty in England were alike applicable to it in India. The noble lord asked for the rules which existed on the subject. Now really, with the exception of the regulations regarding newspapers, which the noble lord had read, he did not believe there existed any written regulations respecting the press in India. He would, however, ask, the noble lord, whether he thought it would be wise to sanction the unrestrained publication of all matters whatever in the newspapers of India? [Lord A. Hamilton: "No, but no censorship."]—Without some censorship there would be danger. Could any thing be considered more perilous than to spread opinions of all kinds whatever throughout the whole of Hindostan? A government that permitted such a practice would be most negligent and unjustifiable. Let it be recollected, that no European could be in India but either in the service of the company or by the licence of the company. Was it not perfectly just, therefore, to say to an individual there—to a printer, for instance, at Madras, "If you do not conform to the regulations of the government, you must withdraw from India." Suppose a clerk in any office in this country were to become the editor of a newspaper, he would be perfectly justified in doing so; but would not the person by whom he was employed be justified in saying, "I do not choose that you should thus occupy yourself, and you must therefore quit my service." The cases were strictly analogous; for this was all that was declared by the government of India. To give the House some idea of the extent of the evil which might result from unrestrained freedom of the press in India, he would mention a circumstance that had occurred since his accession to office:—It had come to the knowledge of government that certain persons, actuated doubtlessly by the most laudable intentions, had caused to be printed, for the purpose of dissemination among the natives of India, a treatise, containing animadversions of the most severe nature on the religion and customs of the natives. Now as it was the substratum of the British government in India to uphold the laws and usages of the natives, the House would immediately perceive that it was the bounden duty of government to suppress a work calculated to excite irritation and hostility. Such a restraint on the press was justified by the circumstances of the case, and by the powers entrusted to the government. Differing therefore wholly from the noble lord on the grounds upon which the motion was founded, he must give to it his decided negative.

Lord *Folkestone* declared, that had any previous doubt existed in his mind as to the propriety of producing the paper moved for by his noble friend, the observations of the right hon. gent. would have completely removed it. The right hon. gent. asserted, that the East India company had a right to bind their servants by their own regulations. This might be true; but if those regulations were of so paramount a nature that every individual became bound by them, independent of every other consideration or principle, then was it, in his judgment, most necessary that the House should know what those regulations were; and when it was recollected that they related to India, he thought that circumstance was in itself sufficient to give great reason for jealousy and distrust on the part of the House. He denied that those stated by his noble friend were the sole regulations, as the right hon. gent. seemed erroneously to think they were. Neither did he think it fair of that right hon. gent. to call upon his noble friend to propose better regulations than those now existing. This was not fair; it was not parliamentary. His noble friend had done his duty in complaining of what he thought was wrong. He should vote for the production of the papers—first, because he thought that they ought to know under what rules and regulations the British subjects in India lived; and next, because it was necessary, in his opinion, to inquire whether such rules furnished adequate grounds for prohibiting the right of publication of the trials at Madras claimed by the parties concerned.

Sir *John Anstruther* observed, that certainly the noble mover had abstained from directly condemning the government of India, and only wished for the regulations which that government had promulgated. He might ask what right parliament had to demand the rules which the government of India chose to establish for the guidance of their own servants? The noble lord who had just spoken, however, went further than the noble mover; and urged, as a ground for consenting to the motion, the injustice and oppression of the Indian government. To accede to the motion, therefore, would be to accede to the proposition, that the government of India had been unjust and oppressive; and this without any case whatever of public hardship or individual suffering having been made out. There was not an European in India who was not aware of the engagements into which he entered before he entered into them; and that if he did not choose to comply with those engagements, the term of his residence in India was at an end. As to the regulations which respected the publication of newspapers, he would ask any one who was at all acquainted with India, whether an unrestrained publication could there with safety be permitted? Was this unrestrained publication to be allowed for the purpose of permitting one set of the servants of the Company to illuminate another set of those servants? Suppose a secretary of the admiralty in this country were to set up a newspaper, for the purpose of discussing the public conduct of a lord of the treasury, could any thing be more absurd? But perhaps this unrestrained publication of newspapers in India, was for the purpose of illuminating the natives. Was this exactly desirable? Would it be very expedient to inform them of the peculiar tenure by which the British government held their power? He recollected when he was in India, that soon after a certain massacre, a series of ingenious and well written essays, appeared in one of those publications, which were to enlighten the great capital of Calcutta (in which, let it be remembered, there were at least 100,000 natives, capable of reading English), the tendency of which was to prove, with how much ease and safety, by a judicious combination of the natives, the whole European population of Bengal might be exterminated. Was it not wise to prevent the publication of such articles as this? It would, perhaps, be said, that the publisher might be punished; but of what avail was that when the mischief was effected? With respect to the trials at Madras, the noble lord had asserted, that the government of India appeared to be ashamed of the proceedings on that subject. There were two parties involved in this consideration—the courts, and the government. He admitted, that when application was made to the courts for permission to publish the proceedings, the judge alluded to by the noble lord, did make the answer which the noble lord ascribed to him, the propriety or impropriety of which he would not then discuss. The court, however, declared, that they had nothing to do with it; that they could grant no permission. Then for the government. But first, he must observe, that although regulations existed in India, respecting the publication of newspapers, he did not believe that any regulation existed respecting the publication of books. The person who was about to publish the trials applied for permission to do so to the secretary of the government, probably with a view to give greater sanction to his publication. Permission was refused. What would have been done by the government had the publication taken place notwithstanding, he knew not. He did not think, however, that the government would in such a case have done wrong to punish the publishers; for it was admitted on all hands, that at that moment the greatest ferment prevailed in Madras; the judges (whether properly or improperly it was not the time to enquire) having thought fit to refer the result of the trials to England for the consideration of his Majesty. Whether or not, however, punishment would have followed the publication, nothing to him could be more evident, than that the government of India would have acted most unwisely, had they under such circumstances granted a formal permission for a publication of that nature.

Mr. *Howarth* admitted the necessity of regulations, and acknowledged that a press in India, wholly unrestrained, might be productive of great mischief. But the matter for complaint was, not that regulations were imposed on men before they went out, to which they previously and voluntarily acceded, but that after they had gone out, they found they had to struggle with innovations superinduced upon those regulations, to which they had not only not voluntarily assented, but of which they had not had any idea.

Sir *Thomas Turton* was not surprised at hearing the language which had been used by those who opposed this motion: such language was altogether worthy of the country in which the governors were every thing, and the governed nothing. The absurdity was to speak at all of freedom of discussion, or the liberty of the press, when India was the subject. The liberty of the press in India! "Risum teneatis, amici?" As if a plant of such celestial growth could flourish in the sterile soil of despotism! Under any such a system of government discussion was indeed to be avoided. Nothing could be more dangerous than freedom of discussion under a government founded upon blood and supported by injustice. As wisely might the liberty of the press be established at Tunis or Algiers, where the government was not inferior to that of ours in India. He had no hesitation in avowing it as his opinion, that there was as much liberty enjoyed under the government of the dey of Algiers, or the emperor of Morocco, as by the natives under the British government in India. Therefore must any discussion be dangerous that could open their eyes to their present state, or make them reflect that the British were but one million, while they were sixty millions. But if the regulations were, as they had been, approved of by gentlemen opposite, he wished to know why they were so reluctant to produce them? He thought, that as rules and regulations affecting such a portion of the British empire, they ought to be promulgated; if, however, they were so wise and salutary, and beneficial as they were said to be, what possible objection could there be to the motion of the noble lord, who only called for their production? The usual parliamentary objection, that voting for their production implied a censure upon them, could not hold here; if they were what they should be, promulgation could do them nor the country no harm, and if they were not, they ought to be known. The right hon. and learned gent. had, in speaking of the Madras trials, stated, that permission was asked to publish them, this was a mistake, no such permission had been asked. He concluded by stating, that the motion of the noble lord should have his cordial support.

Mr. *Wallace* did not think that the noble lord had made out his argument in support of the present motion, even upon his own grounds. The noble lord had laid it down as the grounds of his motion, that the regulations were illegal and unjust. This had by no means been made out: still less had it been established that the refusal of permission to publish the trials at Madras had been an undue and inexpedient exercise of power. The hon. baronet had denied that permission had been asked: he begged leave to correct him in that statement, and to assure him, on the best authority, that permission had been asked. There were other reasons justifying the suppression of that publication: one trial took place on the 11th of January, another upon the 2d of March—the publication of the former trial, in the intermediate time, might have operated in an unfair way to the prejudice of either party, and therefore to the prejudice of substantial justice. But the right hon. and learned gent. had reminded them of the state of Madras at that period: it had been justly described as being then in a violent ferment—and under such circumstances would it have been wise to have permitted such a publication?

Mr. *Hutchinson* observed, that the last speaker had avowed, that the object was, to keep the people of India in darkness as to the nature of their government. The more important, therefore, it was, that this House should take care, that our government there, such as it was, should be well administered. He would certainly vote for the motion.

Mr. *Grant* contended that despotism had not been established there by England, but that it had been found there, where it had existed for many ages. The introduction of the liberty of the press might lead to the most fatal consequences, and in the present state of things, would unhinge the whole frame of Indian society. He did not think any case had been made out for the production of the paper.

Sir *H. Montgomery* approved of the present system, and thought any innovation that might be made would be very dangerous to the interests of this country. He, however, could have wished the trial in question had been allowed to be published, as it might have prevented the introduction of a report of it into this country, which he had been given to understand was spurious.

Mr. *Lockhart* observed that the government of India had been acquired, like most other governments, partly by conquest, partly by compact, and partly by forfeiture. Under these circumstances, to allow of the unrestrained liberty of the press would be dangerous. Their situation, however, was not such as it had been said to be; for though they did not enjoy a free government, they were governed by persons who were responsible to this country, and answerable for their conduct to that House. He thought the motion had been brought forward merely as a compliment to the abstract liberty of the press. He was a friend to that liberty, and though it should run into some excesses (and some licentious strides even in this country he thought it had taken), he was far from wishing to impose any new restriction. The liberty of the press had done much good; it had also been in some instances, a source of the most tremendous evils. It had been spoken of as that which ought not to be discussed. From its magnitude and importance, he thought it ought often to be brought under their consideration. He remembered what had taken place in the National Assembly of the island of St. Domingo, where, in consequence of the attempt to extend the liberty of the press, the most dreadful scenes occurred. Those who were to be benefited by it, rose and massacred their friends indiscriminately with their foes, and at length succeeded in making themselves sovereigns of the island. Such might be the consequences of the introduction of the liberty of the press in India.

Mr. *Whitbread* said, the hon. gent. who had just spoken, had mentioned the licentiousness of the press, and observed that it had even in this country taken some strides. He (Mr. Whitbread) was also of opinion that it had taken some strides, but those strides appeared to him to be taken backwards. If the hon. gent. looked back to what had been published many years ago, and compared those publications with what issued from the press at the present day, he thought he also would be of opinion, that the motion of the liberty of the press was retrograde and not progressive. His noble friend was aware, that to place the press in India on the same footing as in England, might be dangerous. The government of India had been acquired, as the hon. gent. had said, by conquest, by compact, and by forfeiture, but he had omitted one short monosyllable, namely, that which had tended more to give us that acquisition than any thing else. He had not mentioned the word "fraud." If those ills might arise from extending the liberty of the press to India, which the hon. gent. had ascribed to that measure in St. Domingo, still he thought no evil could be expected to result from an attempt to soften the misery of the people; but, on the contrary, that it would tend to prop that power which must otherwise crumble into dust. The paper moved for ought to be produced. If the regulations made by the marquis Wellesley were good, they ought to be brought forward to justify him; and if they were unwise and impolitic, they ought to be produced, that they might be canvassed and corrected. The hon. gent. had said, the people of India were not in the situation in which it had been said they were, as they were governed by persons who were responsible for their conduct to that House. After this, however, when they were called to account in that House, that hon. gent. opposed the production of the paper requisite for their information. Not only was it considered right to withhold from the natives of India moral and political information, but it was even thought proper to deny them a knowledge of Christianity. To support a political despotism, they would not let them have the light of that Gospel through which they hoped for salvation themselves.—(No, from the Treasury Bench!)—One hon. gent. had expressed himself nearly to that effect, and the right hon. Secretary himself had seemed about to say so, when the enormity of the proposition appeared to startle him. He was sorry this discussion had taken place, to shew the world the wretched situation of those who were called our fellow-subjects, but who were not so in fact, "but those (said Mr. W.) whom we and our fellow-subjects are despots over." He thought this discussion would have been well avoided by the production of the paper. It would have been perfectly harmless, and it must have done good, as it would have justified the marquis Wellesley, or benefitted the country, by shewing what was wrong.

Mr. *R. Dundas* explained. He was not for withholding from the natives of India the light of Christianity; he only wished to keep that from them which would lead to tumultuous proceedings.

Mr. *Whitbread* had understood him to say that to attempt to do away the laws and the superstitions of Hindostan would be improper.

The *Chancellor of the Exchequer* thought the arguments of the hon. gent. were by no means sufficient to justify the production of the paper. Gentlemen should remember that the liberty of the press was not withheld merely from the principles of the government, but from the dispositions of the natives themselves. They were in that state that it might do them much harm, though if they were less ignorant it might be expected to be productive of the greatest good. He was glad his right hon. friend had so well explained away what had been said of withholding from the natives the light of Christianity, No such disposition existed, but it was wisely thought that government should abstain from openly exerting itself to further the cause of Christianity, lest they should be represented to the people as attempting to impose upon them a new religion. On all occasions when papers were moved for in that House, he thought a better reason should be given, than that they were desired out of curiosity; and the paper required by the noble lord ought not, in his opinion, to be given, as if they were to grant it without any substantial reason for its production having been given, they would seem to admit that there appeared grounds for censuring the government of India.

Sir *J. Newport* supported the motion, and thought no one reason had been given why the paper should not be granted.

Lord *A. Hamilton* said, that after the very able manner in which his motion had been supported, it would be unnecessary for him to trespass further on the time of the House, than merely to make one or two observations on some arguments from the other side of the House. He had to make one general complaint of almost all the gentlemen who had opposed him, that they had thought proper not only to impute to him what he had not said, but what he had actually disclaimed. He had disclaimed distinctly, and repeatedly, all intention of claiming for India a perfectly free press. He did not even introduce that question at all; it was unnecessary for his object, and he had cautiously avoided it. Yet all the hon. gentlemen who opposed his motion, except the Chancellor of the Exchequer, had spoken as if such had been his principal motive. He had stated, at first, not only what his object was, but what it was not. He had said, it was not, to demand for India a press perfectly free, but merely to enquire by what authority it had one perfectly fettered. One hon. gent. (Mr. Lockhart) had called his motion "an abstract compliment to the Liberty of the Press." Without stopping to notice the obvious insinuation of that phrase, he would merely say, that if the hon. gent. should ever become liable to the penalty imposed upon the transgression of this formidable law, which was the object of his motion, the hon. gent. would then probably change his tone, and not think the matter altogether of an abstract nature. Immediate embarkation for Europe, without trial, or a hearing, or delay, or preparation, would surely be no very abstract injury or hardship. If, as an hon. gentleman had said, "India must, at all events, be governed as it now is," there was an end of his motion, and of every other of a similar nature. He remembered, however, to have heard in that House, very different arguments held by those who sat on the Treasury bench; some of whom spoke in favour of the present, some of the past, and others of the future. He recollected a certain dispatch which had a few years back been drawn up, but not sent to India, which reprobated that doctrine to which he had just alluded, and said positively, that India should not be governed as it then was. For his own part, he was of opinion, that if India must be governed as it now is, though the India Company might not think so, he believed the public had much better not have it at all. He had only one word more—this month was the time when the government must give notice, according to the act of parliament, that the Company must quit their exclusive privilege. He would beg to know of the right hon. gentleman, whether it was intended to give such notice?

Mr. *Dundas* said, he had on a former night been asked that question, and he had then answered that it was.

Mr. *Johnstone* would vote against the motion. He was not aware that the power entrusted to the government of India had been misused, and was fully convinc that the most mischievous effect wou result from allowing a free press to exi in India.

The House divided, when the numbe were—Ayes, 18.—Noes, 53.—Majorit 35.

Mr. *Dundas* then moved for the appointment of a Select Committee on Indi Affairs, which he proposed should consi of the same members as before, with onl two exceptions, the one, that of an hon gentleman who could not attend, and th other that of the Chancellor of the Exchequer, who was likewise prevented fro attendance.—The two new members h mentioned were Mr. Porcher and Mr. D Ponthieu.

Mr. *Creevey* complained that the Committee was so formed as to prevent an report except such as would be agreeabl to the government and the East Indi company. The Committee was only a adjournment of the Directors and Board o Controul up stairs. They never gave information except when they wanted money Their maxim was, give us all the mone we want, or we shall force it from you and call you all the names we can inven into the bargain. After some further observations on this political farce, h moved, as an amendment, That the Committee should inquire into the conduct o the Directors and of the Board of Controu in the management of Indian Affairs.

Mr. *Dundas* read over several of the names—Mr. Wilberforce, Mr. Tierney Mr. Sturges Bourne, Mr. Fitzhugh, Lord Morpeth, Mr. Long, Mr. Creevey, &c &c. and asked what particular bias they could have against the truth? Lord Folkestone, and Mr. Whitbread supported the amendment. Mr. Wallace and Mr Grant opposed it. The House divided,

For the original motion...............56
Against it.................................19
Majority ....—37

HOUSE OF COMMONS.

Friday, March 22.

NAVY ESTIMATES. ADMIRALTY COURT.] The House having resolved itself into a Committee of Supply,

Mr. *Yorke* said it had been his intention on a former day to move for the sum necessary for the Ordinaries of the Navy, which he had divided into three parts, under one resolution. This, however, through a mistake, had not been done;

e had therefore now to move, That a sum ot exceeding 1,157,751*l.* be granted for he Ordinaries of the Navy.

Sir *William Scott* rose in consequence of charge which had been preferred on a ormer day against the Court over which he had the honour to preside. Considering he situation in which he stood, he thought ustice should make every member who might have any charge to prefer against him, in his official capacity, give notice of such an intention. Out of the multitude of causes which had come before him, it was impossible for him to remember every individual case; and if such notice were not given, he might be taken by surprise, and be unable to reply to such charge when made, though it might be as unfounded as those which he had formerly refuted, or as unfounded as he trusted to make that now brought forward appear. That it was a great many years since the prizes to which allusion had been made were taken, it was unnecessary to call witnesses to prove. He remembered the captures, which were six in number, were made in the year 1799. This he would admit, but this was not sufficient to prove that any improper delay had originated in the Admiralty Court. The delay might have been caused by the parties themselves, as was the case in a cause which had been before him that very day. It might happen, that such delays had occurred in a variety of instances, where no party whatever could be blamed. It was to be remembered, that the suitors were persons employed in the service of their country, who might be at such a distance that they could not be communicated with on the subject; or merchants residing in foreign parts. The witnesses necessary to elucidate the business might be in the same situation—might be dispersed all over the world. From these circumstances delay was often unavoidable, and little as it was desired, without it no correct administration of justice could be obtained. The Court of Admiralty sat not merely for the purpose of examining the claims which might be made for prize-money, but likewise to protect foreign and British merchants; to restore property which had been improperly seized, and to do justice to all parties. It might sometimes happen, and it frequently did, that some of the parties concerned were resident in Silesia, in Bavaria, in Bohemia, and in the remotest parts of the globe. It was certainly desirable that the money to be distributed should find its way into the pockets of the captors as soon as possible, but still it was necessary to allow a proper time to elapse before such a distribution was made, for the proper security of neutral property. With respect to the facts of the present case, it was stated that the ships had been taken at the battle of Camperdown. This was not correct, as they were taken two years after that action, during the subsequent blockade of the Texel. It had been agreed, that only one of the ships should be proceeded against in the prize court, to save the expence necessarily attendant on proceeding against the other five. A great variety of claims were put in by different merchants, and some by persons residing in Silesia, Bohemia, Trieste, and Fiume. Much of the delay complained of was occasioned by the time taken up to investigate these several claims. A great deal of time had been so occupied. He believed the investigation commenced at about the end of the year 1799, and the final adjudication of all claims took place on the 13th of May 1801. The money was left to be distributed, and if the agents did not act properly, it was not the fault of the Admiralty Court, as they did not employ those agents. These persons were employed by the parties themselves, and with them the court had nothing to do. After the condemnation of the vessels, it so happened, that a great question arose among the gentlemen of the navy as to the persons entitled to the benefit. This was a question which could not run parallel with the other. It was of no use agitating this till the other was settled, and therefore both could not be decided at the same time. After much discussion and negociation, it was at last agreed to take the opinion of the proper court on the subject. An application was in consequence made to the Court of Admiralty, with an agreement that the decision in this case should determine all others; the cause came on in the usual way, and in July 1803, the court gave an opinion, but it did not sign its final judgment, though he strongly and distinctly expressed his sentiments on this ground. There was at that time another question respecting the blockading squadron off Cadiz, the circumstances of which were nearly the same, and the case altogether similar, before the Lords Commissioners of appeal. It was thought better for the parties to take the final decision from the Court of Appeal, rather than from the Court of Admiralty. In the mean time, it was proposed that the money (which had been all the time at interest), should be vested in Exchequer Bills. He did not know whether or not this was good advice, but he knew that it was most agreeable to all the parties concerned. The decision was in consequence referred to the Court of Appeal by universal consent. The case before them, was pending there for six years. On the face of this, it might appear that there were some grounds for arraigning the proceedings in that Court. This was not his opinion, but if such were the fact, the Admiralty Court had nothing to do with it; but it had been the fate of that court, for some years past, to be frequently censured for that with which it had nothing to do. Last year there was a gallant officer, now he hoped better employed, both for his own credit and the service of the country, who had made certain charges against the Admiralty which had been repeated at taverns, coffee-houses, and alehouses. And what had those charges come to at last? They had merely proved to have been founded on certain bargains made between the agents of the Crown, and the agents of private persons out of court, with which the Admiralty had no more to do than any other court of justice had to do with any case that might be taken out of it by the consent of the parties concerned. With the delays which had occurred in the Court of Appeal, the Admiralty Court had no more to do, than the Court of King's-Bench had to do with the delays which might occur with the writs of error carried up to the House of Lords. If, then, there was any cause for blame, it ought not to be laid, under such circumstances, at the Admiralty's door. He begged, however, to say, he did not think such delays were fairly chargeable to the Lords Commissioners of Appeals. He knew what imputations had been thrown out against them; but it ought to be remembered, that in the eventful period of the last sixteen years, from the situation in which this country had been placed with others, there had been a greater number of important questions before them than had arisen for a century before. It should also be remembered, that they received all the appeals from every court in the kingdom. All this devolved on four or five members of the Privy Council, who sought no remuneration for their labours, and who received none but those injurious censures frequently launched against their proceedings. When all this was considered, an he stated to the House, that after so man years there were not more than twenty o thirty appeals remaining before them o all that had been made, though it migh have happened that delays in som instances had taken place, still it must b felt that they were very far from deservin censure. The case had not been si months before them when the subject wa taken up. It happened that the necessar witnesses were then in the Mediterranea Commissioners were obliged to be sent ou to Malta and other places, to examin those witnesses wherever they could b found. It was taken up just before Christmas in the year 1808, and in six month after the cause was determined.—He the proceeded to justify the Court of Admiralty in not proceeding earlier than i usually did to try prize causes. In the present extended scale of maritime warfare in which we were engaged, and which wa the cause of our making captures in al parts of the globe, it was necessary tha twelve months at least should elapse befor a distribution took place, otherwise a man's property might be captured and condemned before he knew any thing at al of the matter. When the money was ready to be distributed, a new question arose among the gentlemen of the navy and a third suit was instituted, which the Admiralty Court was obliged to entertain. This caused new delays, which it was obvious they had not the power to avoid which protracted the case till last November. He then explained the causes of the delays which had subsequently taken place, and concluded with hoping that such attacks would not again be made on slight grounds, nor without previous inquiry. He hoped, before such charges were again preferred, that the whole of the circumstances would be taken into consideration, that it would be remembered who the suitors were. They were brave men, but the lower classes had warm passions, and might grow discontented if they were told their interests were neglected by the Admiralty. They might become dissatisfied without reason, and the most fatal consequences must follow. It should be recollected, the suitors, on the other hand, were subjects of neutral nations, and that consequently, to do justice without delay, was unavoidable.

Mr. *Rose* said, it had struck him as an extraordinary circumstance that no distribution had taken place for ten years. On looking, however, into the subject, he had the satisfaction to find that no delay had occurred since that which originated in merciful consideration. When a similar case was before the Court of Appeal, if his right hon. friend had decided on the case sooner, it would have occasioned a great expence to the parties, without accelerating the ultimate decision one single hour. Whatever might be thought by others, the parties concerned were obliged by the delay of his right hon. friend. The greatest care had been taken of the interests of the captors. On the condemnation of the prize, in 1799, when Mr. Hunter found there was likely to be some delay, he immediately put the money out to interest. It had remained at interest all the time; and he believed there was no other country in the world where justice was administered, not only with such purity, but with such dispatch. If the hon. admiral thought the interests of the navy were neglected, he trusted he should, in a few minutes, prove the contrary to be the fact. Since the passing of the act, in June 1809, nine thousand cases had been made out under his immediate direction, and so arranged, that if any boatsman or other person, belonging to any ship, applied to him respecting the prize-money to which he might think himself intitled, he could in one hour let him know when the prize was condemned, what the amount of his share, and give him, in fine, all the requisite information on the subject. Six hundred of these cases had been made out by himself. Their amount in money was 4,000,000*l.* sterling. He had exerted himself to the utmost to benefit the captors, by putting their money out to interest and relieving them from the extortion of Agents. The annual captures amounted on the average to 1,000,000*l.* In the course of the war, therefore, they were 7,000,000*l.* of which but a small part had been out at interest for the captors. Five millions four hundred thousand pounds had been put out to interest by the agents for their own benefit. One agent alone, had had as much as 300,000*l.* out at interest to his own advantage. This had been put a stop to, and the benefit transferred to the captors. The right hon. gent. then proceeded to enumerate the several evils which he had exerted himself to correct. In the charges of agents accounts, he had saved 12,000*l.* per year to the captors. He saved them 50,000*l.* per year salvage. The droits amounting to 2,000,000*l.* which were not taken cognizance of, he had caused to be regularly registered. He had also laboured to make a satisfactory arrangement with respect to conjoint grants, grants to the army and navy. The right hon. gentleman proceeded to make a statement of what he had effected in the various departments of the navy. He had most anxiously laboured to promote the interest of the navy in every respect. He had therefore felt hurt, when he found that, notwithstanding all he had done, insinuations were still thrown out, that the welfare of the navy was not attended to. He hoped the gallant Admiral would bear in mind what had fallen from his right honourable friend, and not say that which might tend to raise a clamour among the lower classes in the service. When such statements were thrown out respecting the Prize Court, the persons conceiving themselves entitled to prize-money were so inflamed, that it was impossible to make them listen to the true state of the case. They might reason with them to all eternity without effect. He was conscious their claims had never been neglected; and he thought the gallant Admiral could hardly name a sailor, or a sailor's father, mother or relation, who had written to him without obtaining prompt attention and a proper answer. If they were in London his doors were always open to them, and he saw them himself, heard their complaints, and gave them all the information in his power. They were, however, so very difficult to convince of that which was right, after such statements as those he had before alluded to had gone abroad, that it was most desirable such should not be made upon slight grounds.

Sir *Charles Pole* said, if either of the right hon. gentlemen opposite, who thought proper to complain so loudly this night, had been in their places when he delivered his sentiments on the Navy Estimates, they would have seen with how little justice they now attacked him; he had then stated, with a feeling of extreme satisfaction, the correctness and œconomy with which those estimates had been calculated; they would have heard him express his thanks, at the clear and perspicuous manner in which they had been explained to the Committee; they might have heard him pay his humble tribute of applause to the First Lord of the Admiralty, for several other measures, which he (sir C. P.) deemed useful and advantageous to the naval service; they would have heard him state, that he believed the First Lord had inspired the service with a confidence that was a tower of strength to the country, but he had, at the same time, expressed his regret that the delays and consequent abuses of the Court of Admiralty was still a blot which required to be removed; and, to elucidate this, he exemplified, as one of the many instances, the blockading squadron, under the orders of lord Duncan, in 1799, which had captured several ships who were acting in defiance of the blockade, that the proceeds of the ships so captured, at that period, were not distributed at this moment, 1811: he stated this as a grievance which ought, with many of the same kind, to be inquired into and corrected; he did not make it a charge against the right hon. and learned judge of the Admiralty Court, nor did he state it either in tone or temper as such, but as one of those evils which called aloud for a remedy. He now thanked the right hon. gent. for the opportunity of repeating it, and he would do so over and over again, either here or elsewhere; he did it without the smallest hostility towards any man; much of personal animadversion had been introduced into this debate by the learned Judge; he hoped he might be excused, if he alluded to it, and assured the Committee, that nothing but the imperious sense of duty to his country, and affection to the service, could induce him to put himself forward and render himself so obnoxious to the right hon. gent. and his numerous friends. He would ask, what possible motive could he have, but the conviction of his mind that he was doing his duty as a member of that House, where he was entitled to make such observations as he thought useful, and founded in justice? With these sentiments, he should continue to repeat his observations whenever the interests of the navy were discussed. Having no personal charge to make, he should not feel it necessary to send for the learned Judge all over the town to acquaint him, what he might have known as well as himself, that the Navy Estimates were to be discussed on a given day, and that it was probable that part of the naval service, which regards the interests of the officer and seamen in prize causes, might be noticed; it was impossible they could be noticed by him, without expressing his regrets, that the evils, so long and so loudly mentioned, were not remedied. The learned Judge in his speech this night, had been pleased to introduce the state of Algiers and Tunis: was the learned Judge aware how near he approached to the government of those states on the present occasion, when he endeavours to restrain members of this House from making just and constitutional observations on grievances which exist in a most important part of the state? The right hon. and learned Judge had this night confessed all that he (sir C. P.) complained of; namely, that a blockading squadron, after long and severe cruizing, had captured ships in 1799; and that, when we are now speaking in March 1811, the British fleet had not reaped the reward of their vigilance and zeal held out to them by their Sovereign and their country. It was no excuse to his mind, and he was sure it must be a very unsatisfactory answer to the fleet, to be told, that the judge is to wait ten years for the decision of another court, who will then have a similar cause to decide on. If this was to be deemed a valid excuse for withholding from the navy their prize money, there never would be wanting persons to urge it; the delays attendant on the Admiralty Court alone are quite sufficient without resorting to the Court of Appeals, to wait ten years until a case, said to be similar, was decided; this he thought rather too severe a trial of the patience of the fleet. Will the Committee think it right? nay, Sir, will they wonder if discontent and dissatisfaction rear its formidable head? The learned Judge's ingenuity had carried him to Silesia and to South America, from the north to the south pole, for claimants and for arguments, and he had brought them all into court this night; but was the delay of this question to be attributed to neutral claimants? The learned Judge well knows all their interests were decided in a few months; this was a case of breach of blockade, when, after zealous, persevering and fatiguing services, the squadron were taught to expect the harvest of their labour, they met with mortification and disappointment; now that the delay is admitted, is confessed by the learned Judge, he (sir C. P.) trusted the interests of 145,000 men would be more justly protected in future. He must again be excused, if he repeated to the Committee, that the insinuations of unfairness, thrown out against him, would have no effect on his mind, and as long as he was a member of that House, he should continue to do his utmost to protect the interests of that class of his Majesty's subjects, now under discussion, whom he thought most deserving of support; such he felt to be his public duty, and it was not less his inclination, feeling, as he did, every possible attachment for them; he repeated again, he would say he had no private motive for attacking any part of the conduct of the learned Judge, and he could not possibly have the smallest degree of hostility towards a man who was so deservedly esteemed in his public and private life, whose splendid talents were the admiration of all. He trusted he should not again be suspected of any other motive than his country's welfare in bringing these subjects forward; it was of the highest importance to the existence of this country, that the fleet should have no just cause for dissatisfaction; those gentlemen who are in the habit of considering how much more numerous the governed are than the governors, will think with him, that it is as well that public opinion and justice should be with us; and do those gentlemen flatter themselves that the sailor is ignorant of the delays, and of the evils and injustice which usually attend delay? Do they think I am betraying a secret? they know but little of the class of men I allude to, if they do suppose this to be the case. The right hon. the Treasurer of the Navy hath this night developed abuses, hath stated frauds and impositions on the British seamen, such as were never before detailed to this House; and will the Committee shut their eyes to them? Are they prepared to say, the seamen have not had cause of complaint? It is immaterial to my present view of the question, whether the cause rests with the agents or with the Admiralty Courts. The interests of the seamen are neglected; and my opinion still is, that the fault lays with the Court; but the evils exist, and ought to be cured.

Mr. *Rose* denied that he had mentioned 9,000 cases of abuse. He had stated that that number of cases had been registered by him; that 600 had been carefully investigated, and that some abuses had been discovered; but none had been attributable to the Admiralty Court. It was impossible for that Court to drag parties forward against their will. In the whole of the cases which he had examined, there was not an instance in which blame was attributable to any officer of the Admiralty Court, much less to the Judge. The Proctor had not been in any way blameable. The vessels had been condemned the same year they were brought before the Court; and the only ground of delay was, the fresh claims by officers of the navy, which rendered it impossible to procure the decision of the Court of Appeal sooner. Of all the courts in the world of a similar description, the Court of Admiralty here was the most expeditious; and its decisions were not only just, but had excited the admiration of the whole world.

Sir *C. Pole* said, he had admitted that the ships had been condemned in 1799, but still the fact was undeniable, that, to this day, the seamen had not got their money.

Mr. *Stephen*, when he considered the nature and tendency of such charges preferred against the Admiralty Court—while he subscribed to the opinion that they might produce mutiny, riot, and blow the world into a flame, as the honourable admiral had expressed it, he could not forbear following up what had been so distinctly said by his right. hon. and learned friend, with a few remarks within his own knowledge. Nobody had charged the hon. admiral with having done any thing unparliamentary; though he should hope that what was unfair, inexpedient, and dangerous, could not be very parliamentary. But if it was parliamentary to have made the charge, he trusted, unfounded as it was, that it was equally parliamentary to repel it. He really thought that, after the candid, temperate, full and clear explanation given by his right hon. and learned friend, the hon. admiral himself would have felt himself bound to be the first in apologizing for the error into which he had fallen. Considering the consequences that might result from precipate charges of this nature, he thought the hon. admiral would have seen the propriety of making inquiry before he brought them forward in this public manner, and at a time when those were not in the House who could have given the requisite answer. Whatever might be required by strict parliamentary form, he apprehended that this would have been but fair and candid, as well as polite. What was the charge? Why, that the gallant seamen who had fought under lord Duncan, had been kept out of their prize-money, the reward of their valour, for 12 years, in consequence of the delays of the court of admiralty—and upon this point, notwithstanding the complete explanation of the

Judge, the hon. admiral, it appeared, was not yet satisfied. There were some gentlemen now in the House who had not heard his right hon. and learned friend's explanation, otherwise he should probably have thought it unnecessary to say any thing. As it was, however, he would very briefly advert to the heads of the defence. The fact had been admitted, that the judge had decided the same year that the causes were brought into court, though questions as to neutral property had intermixed with the rest. But a delay had taken place in consequence of a dispute between the associated blockading squadrons, as to their shares of the prize-money. The hon. admiral talked of riots: but what would he have said, if the judge, in order to dispatch the cause, had rejected these claims. A negociation had been commenced in order to settle these claims among themselves, but this had unfortunately failed. The opinion of the learned judge had been early declared, as early as the evidence could possibly be collected; but the same question was before the court of appeal, in another cause, as to a blockade before Cadiz; and therefore he had suspended the entering of judgment till that cause in the Appeal Court had been decided. Why had he done so? In order to save the parties the expence of an appeal, which would most certainly have been preferred. This was in fact no delay; it was entirely a favour to the suitors. The hon. baronet had said, that out of six causes, only one had been carried forward. True: but this, too, was to save expence. The question was the same in all; and the five, therefore, waited the event of one. There was no delay, however, on this account. It was surely a prevention as far as possible of vexation and delay in the lower and higher courts. Then the hon. baronet adverted to the delay before the appeal court, but there, too, the court was free from blame. The delay arose from the disputes among the officers of the navy. It was not the court, but he himself and the late learned and excellent man Dr. Lawrence, who were to blame, if there was blame any where. But the fact was, they could not call for the judgment of the court sooner. There was a question, whether certain ships were in sight at the time of the capture. The matter was litigated so closely by the navy, that they had to send out commissions to the Mediterranean for evidence. Having prepared the case as soon as they could for decision, the court gave sentence in six months after. Yet for all this delay, arising solely from the nature of the case and the pertinacious manner in which the naval officers themselves litigated the subject, the right hon. and learned Judge of the Admiralty was blamed by the hon. Admiral—blamed for his conduct in a cause which was, on the contrary, throughout, a proof of his extraordinary merit. This might be parliamentary, but certain it was, it might be attended with dangerous consequences. Within ten days after the decision of the appeal case, the Judge of the Admiralty had decided. But then a fresh cause of delay arose from the claims of captain Finlay of the Scorpion. The hon. baronet asked, why this claim had not been rejected? The reason was, that the judge had no authority to reject it without examination. Provision had been made in the prize act, lately passed, for the refusal of such claims as had not been preferred in time when the opportunity existed. But this related to a capture in 1799, before the act in question had been passed. The hon. admiral had given great credit to the Treasurer of the Navy for his improvements with respect to agents, &c. Did he not know that all these had been the effect of the suggestion and parliamentary labours of his right hon. and learned friend? The hon. admiral appeared to have some prepossession on this subject, of which it would be proper for him to get rid. It ought to be recollected, that all these charges were conveyed to our gallant seamen, well meaning men, but of warm passions, and, in some instances too, no doubt, but ill informed: and, as it had been emphatically said, a rot might be produced in the wooden walls of Old England, he hoped that, in future, the hon. baronet would take care to inquire, otherwise he might do more harm than all his gallantry and services would suffice to repair or compensate.

Mr. *Fremantle* said, that after the clear, manly, and eloquent explanation of the right hon. Judge of the Court of Admiralty he was perfectly satisfied, as he hoped the country and navy would also be. The interests of the navy, he allowed, should be held most dear, and watched over with great vigilance, but the gallant Admiral would be found in the present, as in former cases, to have been led into mistake by his zeal. The hon. baronet had laid it down as a principle, that delay was an abuse; but to him it appeared that there were many circumstances in which delay would not be an abuse, but, on the contrary, the greatest benefit. The faults of the agents, he contended, should not be confounded with that of the Courts of Admiralty; and the decisions of the Judge upon the law of nations had done more to hold up this country to the admiration of Europe than any other circumstance. With respect to the King's Proctor, his conduct had been already so ably defended, that he should say nothing in addition; but he was persuaded, that whenever it became the subject of inquiry, he would be found to have acted up to his duty, and to deserve the applause of the House and of the country.

Mr. *Johnstone* said he agreed in the panegyric pronounced upon the learned Judge of the Court of Admiralty; but still he could not agree that the hon. baronet was wrong in bringing forward a case of this description which afforded a *prima facie* ground of charge, on the contrary, he did no more than discharge his duty to the country and the service. Besides, it did not appear to him that the hon. baronet had selected any individual, or resorted to any violent language. It had always struck him as a great grievance that there should be so great a delay in the prize courts. At one time the Court of Appeal stood still for twelve months, only because one of the judges thought proper to absent himself; and it was a fact, that out of seven millions captured at different times, three millions were restored to other countries as unjust captures. Much he allowed had been done but still not enough.

The *Chancellor of the Exchequer* said, the hon. member who had just sat down, had told them that the Court of Appeal required reform, and yet, he also told them, what certainly redounded not a little to the honour of that Court, that in a time of war, when additional causes were perpetually flowing in, the number of arrears had been reduced. It was proper to state what was the fact. The arrears were so far reduced that at present not more than twenty-five causes were in the court, which was, properly speaking, no arrear at all. The grievances which he stated neutrals to labour under no longer exist, and directly the reverse was the fact. In attempting, therefore, to reform a Court that had had the vigour to wipe away so great an arrear, they might alter, but could hardly amend it. It seemed rather strange to him that the hon. gent. should think this accusation honourable to the gallant admiral, and that it was *prima facie* requisite. Perhaps it would have looked as well had the gallant admiral made some previous inquiry before bringing such a charge; however, what astonished him was, that after all the explanation which was given, and certainly most satisfactory explanation to the mind of every man who heard it, the gallant admiral should still repeat his charge, and complain of an abusive delay. He expected from that gallant admiral that, after hearing that explanation, he would express his conviction and his regret at having made the charge, not so much on account of his right hon. friend, whose character could not be affected by it, but for the sake of 140,000 men, on whose minds the most dangerous impressions might be produced by it, and who ought to be the objects of all the attention and all the consideration of the country which they serve.

Sir *Francis Burdett* said, that they had heard from the Treasurer of the Navy of the existence of abuses, for the detection of which that gentleman doubtless very deservedly took credit. Whatever might be due to the Treasurer of the Navy and to the right hon. Judge for the measures of reform introduced by them, he had no doubt that much also was due to the gallant admiral who on former occasions had frequently brought these subjects before the House. It would not be easy perhaps to persuade gentlemen of the learned professions, and particularly the learned master in chancery, of the evils of delay. Though these gentlemen might panegyrize one another, as was quite common on occasions like the present, though the commendation might be deserved, this was altogether beside the question. What was it to the gentlemen of the navy or seamen, that the Judge of the Admiralty was possessed of so great ability, and was so free from blame, when they were, notwithstanding, oppressed with a ruinous delay. For the delay of 12 years perhaps nobody was to blame, and the hon. bart. imputed no blame to any one. The country was, however, greatly indebted to persons who like the hon. bart. exposed themselves to obloquy by bringing forward grievances. Whether these grievances were real or imaginary, it was generally seen that some amelioration was the result of the inquiry, whoever might afterwards take credit for that amelioration. The right hon. gent. and the Treasurer of the Navy were therefore, in his opinion, much indebted to the gallant admiral, who brought forward from time to time these charges; and in his opinion he ought not to have been the subject of so much hostile animadversion.

Mr. *Croker* agreed that it would produce benefits, but of a very different nature from those alluded to by the hon. baronet. The charge had been brought forward, and refuted to the satisfaction of almost every one in the House; and it was not surprising that the hon. baronet, who prided himself so much on standing alone, should felicitate the gallant admiral upon his singularity also. He insisted that the delay was occasioned by the officers and sailors of the navy.

Mr. *Whitbread* said, that after the tone and manner of the hon. gent. who had just sat down, it was impossible to remain quite silent. It was rather an odd charge to make against the hon. baronet, to say, that he was so fond of solitude himself, it was no wonder that he should congratulate another upon being so; but the hon. gent. should have recollected, that one and one make two, and that if they both agreed, they were neither of them likely to be solitary. He confessed that the explanation of the learned Judge, as far as his information on such subjects enabled him to decide, was satisfactory; but the hon. baronet had done much good to the country and the navy, and should not confess that he was wrong if he did not feel it nor offer praise where he did not believe it to be due. He held that the hon. gent. had taken a false view of what had fallen from the hon. baronet.

Mr. *Croker* said, he held that the hon. gent. had taken a false view of what had fallen from him: he had charged him with having applied epithets to the hon. baronet, which he applied only to the course which the hon. bart. recommended.

Sir *C. Pole* said, he hoped the explanation given would be satisfactory to the country, but it was not so to him; for no explanation could be satisfactory in accounting for a delay of twelve years. If he had suffered the case to pass unnoticed, he should have been guilty of neglecting his duty.

The Resolution was then agreed to.

Mr. *Wharton* then moved, that a sum not exceeding 482,025*l.* be granted for the expences of the Barrack Department for the year 1811.

Mr. *Bankes* wished to know from the hon. gent. what sum would be necessary to carry certain parts of the barrack works into effect? The estimate stated that a sum of 106,000*l.* would be required for the Life Guards barracks.

Mr. *Wharton* replied, that the whole sum necessary for those particular barracks would be 131,000*l.* Among the other items there were 12,000*l.* for the erection of depôts for the French prisoners, of whom there were a great increase. There was also a sum of 54,000*l.* included in the estimate for the Isle of Wight barracks, and a sum of about 25,000*l.* for the islands of Jersey and Guernsey. He was not particularly informed as to some of the other items, but would obtain information in the course of the evening.

Mr. *Bankes* hoped the hon. gent. would not come unprepared with his information when the Report was brought up. He noticed one of the items respecting the barracks at Winchester, in which a sum of 15,000*l.* was stated as requisite for completing those barracks. He had procured from the barrack office an estimate of the expence, and he found that the original demand was 64,800*l.* of which 57,800*l.* had been paid, consequently only 7,000*l.* was wanting. He therefore must again repeat, that the hon. gent. had so little information to give, and the public were so much burthened with the expences for barracks, that he hoped and expected he would be in a situation to give the most satisfactory information upon the bringing up of the Report.

The *Chancellor of the Exchequer* noticing the warmth which his hon. friend had betrayed, when requiring satisfactory information, conceived that the anger and passion which he had exercised towards his hon. friend (Mr. Wharton) was not called for. He assured his hon. friend that every attention to economy, and to the curtailing of expences, in the barrack department, was paid by the head of it (Mr. Osborne Markham), at the same time, his hon. friend might perhaps find, that he had not been so accurately informed as he seemed to imagine. Considering the rise in the price of materials since the barracks at Winchester were begun, the difference of 7,000*l.* in the estimate, could not be considered as very great.

Mr. *Bankes* denied that he had used either warmth or anger when desiring information, nor did he wish to reflect on the barrack board; he would give his testimony of approbation to the public conduct of Mr. Markham.

The *Chancellor of the Exchequer* was well assured that his hon. friend would not have assumed the dictatorial tone which he had assumed, unless he had been put off his guard. He was glad, however, to extract from him the acknowledgment of the merit of the head of the barrack department.

Mr. *Whitbread* thought the hon. gent. and the House were entitled to satisfactory information, before they voted such large sums of the public money.

Mr. *Wharton* put it to the Committee, whether he had failed in giving the necessary information. He was not used to be talked to in the dictatorial manner which the hon. gent. had evinced; his tone and manner (and he hoped in saying so, he did not speak unparliamentary) were such as was not fit to address towards him. He had distinctly stated that the sums alluded to were the estimated sums, and not for any work in progress.

The Resolution was then agreed to.

Commercial Credit Bill.] On the motion for the third reading of this Bill,

Mr. *Whitbread* rose and stated, that though the time of night at which this motion was made, the nature of the debate which had preceded it, and the state of the House, were all extremely discouraging circumstances, still he could not be persuaded to suffer the present Bill to pass without stating what were his impressions on the subject; and he also thought himself in candour bound to say, having no wish to take gentlemen on the other side by surprise, that he should take the sense of the House upon it, if the House should be in a state to admit of that being done. The right hon. the Chancellor of the Exchequer had not done what he ought to have done, and what he understood, that he had promised to do. He had omitted to introduce a clause into the Bill, restraining the commissioners and also all persons who were members of that House, from participating in the benefits to be derived from the Bill. The Commissioners might be restrained from any such participation, by a feeling of duty, but still a clause to that effect could not be the less proper. To his conception too, members of that House should be excluded, even in a constitutional point of view. If not, this was a new way of creating influence for the crown. He did not impute to the right hon. gent. any idea of influence having been used by him to introduce this measure into parliament; but still such a thing was possible; and it was also apparent, that all persons who might, in similar circumstances, come to him, or to any other minister, requesting his influence in carrying through such a measure, must be esteemed dependants on him. This could not be regarded in any other light than as a new species of influence, which must be highly detrimental to the constitution. He came now to the measure itself, of which he must say that not one man liked it. It had no favourer, not even in the person by whom it was introduced. What good, then, was it calculated to do? The right hon. gent. said, the House could not visit those who had been unfortunate, in a vindictive way. God forbid! That the House had it not in its power. But did the right hon. gent. think it would be wise in the House to support at the expence of the rest of the country, those individuals who had embarked in improvident speculations? He was told, and he believed the fact, that there had been few failures of any of our old stable houses: that they were almost entirely speculators who had failed, and who had carried along with them the manufacturers who had entrusted them with their goods. The small manufacturers, however, who had suffered in this way, were to have no relief under this Bill. The Commissioners were not to grant sums under 4,000*l.* unless on a deposit of goods to twice the amount of the loan. But how were these small manufacturers to do so? Their goods were already gone—they had been defrauded of them. They could probably give other security, which, if accepted of, they might be enabled to go on; but no such security could be taken. Here, therefore, was a fundamental defect in the Bill. His belief was, that the commercial credit of the country could not be extricated out of the difficulties in which it was involved, but by a settlement of our dispute with America, and by a peace in Europe. How could the present difficulties be removed or alleviated by an issue of paper, at a period when the redundancy of paper in circulation was practically illustrated within these few days, by a depreciation of its value. When we could not for our paper get the same quantity of silver which we had been accustomed to receive for it, did not that afford us a practical illustration that our paper was depreciated. The only end which the present Bill could serve would be, to induce the manufacturers to make new goods, and thus to add to the calamity. On these grounds he must oppose the Bill, and take the sense of the House upon it.

Mr. *Lambe* was afraid, that both the reasons which were supposed to have led to the present difficulties in the commercial world, were to be traced to the same cause; and that the violent trading to South America, which was supposed to be the principal reason of the present stagnation, arose from the shutting up of the ancient markets in Europe, in consequence of the steps taken by this country, and by our enemy. If this was the case, the present Bill could produce no effectual relief, but only served to put off the evil day. What chance was there of having the ancient markets of Europe opened? There was surely none. We therefore, by the present measure, only held out to the emperor of France an assurance that his plans had been successful, and thus induced him to persevere in them. The least part of the disadvantage to the country likely to result from the present Bill, would be the loss of the money advanced by the public. We had a far greater misfortune than that to contemplate. By this measure the House prevented the manufacturers and others, who were the objects of the present Bill, and who now suffered from the glut of the foreign market, and in consequence of being excluded from the markets of Europe, from turning their capitals to other more important sources of internal improvement, from which both the individuals themselves, and the country as a nation, must derive infinitely greater advantages than from any trade or commerce whatever.

Mr. *Marryatt* agreed with the hon. gentleman, that it would be better if commissioners and members of parliament were not allowed to claim relief under the Bill; but he could not agree with the last hon. gentleman that all the markets were shut. There were still a great many open to our merchants. The grand benefit which the Bill had in view was to keep the operative labourers at work, and therefore was highly desirable and beneficial.

Mr. *Hibbert* was of opinion that the epithets "rash and improvident" were too freely bestowed on several classes of British merchants, whose conduct had not been such as justly to subject them to such an imputation. He thought that there was no class of merchants to whom the proposed relief could extend to whom it ought not to extend, and it appeared to him to be evident, that through the me chants the manufacturers must be relieve For the Bill he should decidedly vote but at the same time he concurred in th opinion of the hon. gentleman below hi as to the expediency on the part of ou government, to heal by peace the woun which commerce and the country had re ceived.

The House then divided:

For the third reading.................41
Against it............................ 4
Majority ....—3

HOUSE OF COMMONS.

Monday, March 25.

London Theatre Bill.] Mr. *Mellis* moved the second reading of the Bill fo the erecting and maintaining a new Theatre for dramatic entertainments with in the cities of London and Westminster On the Speaker inquiring if counsel wer in attendance,

Mr. *Sheridan* rose and stated, that h had no intention of calling in the assistance of counsel, as he believed a very brief statement of the circumstances o the case would be sufficient to enable the House to form a judgment upon the question before them. He had expected that the hon. gentleman, the worthy representative of Middlesex, to whom it was his duty to express his sense of the politeness and attention which he had received at his hands on this occasion, would have prefaced the motion for the second reading of this Bill, by some statement of the grounds on which it was recommended to parliament, and the principles on which it laid claim to the sanction of the legislature. The only account, however, which he had been able to obtain explanatory of the objects of the measure, was a printed paper which had been pretty widely circulated, and which certainly contained nothing in the shape of argument to support it. This paper represented to the public, or to those whom it addressed, that they ought not to be discouraged by the splendid talents that would be exerted against their cause. He disclaimed for his own part any knowledge that such exertions were intended to be made, conscious as he was that the only motive that impelled him to come forward on this occasion, was a feeling of what was due to the number of persons interested in the property of Drury-lane Theatre. He was most ready to acknowledge the candour and fairness that had been shewn him by the gentlemen with whom the present motion originated, and was clearly of opinion that they had been influenced by the erroneous opinion that the Drury Lane Theatre would not be rebuilt. When he assured them that this was a mistaken notion, and that there was the strongest probability of its speedy re-establishment, he was disposed to think it would be deemed advisable to withdraw this Bill. He must at the same time contradict a rumour which had gone abroad, describing his industry in canvassing votes for the question; he had, indeed, made no efforts for any such purpose, determined to leave the case to abide by its own merits. Last year the proposers of the new establishment applied to the privy council, and applied in vain; subsequently to which application, a Bill passed through Parliament for incorporating the proprietors of the late Drury Lane Theatre. Why had they not opposed this Bill, presuming as he did, that they intended to introduce the present measure? After this Bill, however, had passed, it was intimated to him that the late Lord Chamberlain, lord Dartmouth, of whom he always wished to speak with respect, notwithstanding his conduct in this business, intended to question the legality of the dormant patent. On the 28th of June, 1810, he received a letter from his Lordship expressive of his resolution to oppose the erection of any theatre in the city of Westminster. Under these circumstances it was impossible that the Drury Lane Proprietors could proceed. A negociation followed upon the subject with lord Dartmouth, the result of which was, a final settlement, that the dormant patent should not be acted on, and that the running patent should continue in force 21 years. These were the sole and uncontroulable causes of the delay in rebuilding Drury Lane Theatre. He had observed, that with respect to the present application, there had been some popular arguments used in the Petition, which were omitted entirely in the Bill. It was represented in the former, that the New Theatre would be established on the principle of opening at the old prices, and of furnishing correct, moral, and rational entertainments. These objects, however, formed no part of the Bill. He was aware, that he should be charged with defending a monopoly, and he was perfectly sensible of the just odium in which monopoly was generally held. But on a sweeping principle of this nature, the monopoly of the East-India Company, lord Gwydir's mooring-chain monopoly, &c. should be all abolished. So far as his own individual interest was concerned, he would willingly surrender it to the public; but what he must contend for was, that it was contrary to the whole spirit of legislation to interfere with any charter or patent, without providing adequate compensation. He must say, that the present Bill took a most colossal stride; and while it placed one foot upon the chartered rights of the city of London, boldly trod with the other on the ancient prerogatives of the crown. The Bill as it was now framed gave the right of building the new Theatre either on the scite of the Mansion-house, or Guildhall, or the Royal Exchange; but he believed the people in the city were prepared to resist so dangerous an innovation. He would not detain the House further than to say, that it was evident that the present application would never have been made, but for the discovery in another place that the royal prerogative was opposed to it.

Mr. *Browne*, after expressing the high opinion which he had ever entertained of the genius and talents of the right hon. gent. who had jus tsat down, observed, that there were two grounds on which the motion submitted to the House might be supported. The first was the great recent increase of the population of the metropolis, and the second, the great and notorious embarrassments in which the property of the Drury-lane proprietors was involved. He believed the neglect of rebuilding that Theatre arose solely from inability. Convinced, however, as he was, that it would never again hold up its head, yet, if there was every reason to believe the contrary, the argument for a new Theatre would be equally strong. As to what had been said of the prerogative of the crown, it could not be contended that it was not necessary for the subject matter of prerogative to be as ancient as the prerogative itself. The number of play-houses was originally limited by Act of Parliament, to prevent the licentiousness which their number was supposed to encourage. If the evidence should now be the other way, an Act of Parliament must be the proper mode of establishing a different regulation. At the period of the Usurpation, all stage plays were prohibited; at the Restoration they were opened again; and, as appeared from Mr. Hume's History, much licentiousness followed. In order to restrain this licentiousness in some measure, two exclusive patents were granted—one of them to sir William Davenant; but the Crown could not be said to mean by that act to part with its discretion; the spirit of the declaration was barely, that there should be but two Theatres at that particular time. In a short time after, a patent was granted to one Betterton, and this was followed, in some time, by the patent to Collier; after which, in the reign of George 1, another patent was granted to Rich. The right hon. gent. in the concluding part of his speech had attempted to throw some obloquy on the measure, because it had been rejected before; but when the right hon. gent. stated that it was rejected by the privy council, he should have stated the ground upon which they did so. They did not say that another Theatre was not necessary, but merely that the mode in which it was proposed to carry it into effect, by incorporation, was an objectionable mode, as, in the opinion of the Attorney and Solicitor General, it would have given privileges to the New Theatre which would operate to the disadvantage of the old ones. It was probable that Drury-lane Theatre would never raise its head again; but if a positive pledge could be given that it would, he believed that he could undertake to say the Bill would be withdrawn.

Mr. *Whitbread* said, that when any body set up a claim to a legal monopoly, the best that could be done was to examine that claim. He had a great friendship for the right hon. gent. and for many connected with him, and he had great pity for those who had suffered by the destruction of Drury-lane Theatre; but even, if he had no regard for his right hon. friend, the dignified manner in which he conducted himself on the night of that calamity would have made him anxious that his loss should not be aggravated. The delay that had taken place in the rebuilding of that theatre, was caused in the manner already described, and he was happy to be able to state to the hon. gent. near him, that being one of those who were occupied in examining the property, he had reason to know that Drury-lane theatre was likely to be restored. This investigation was not yet sufficiently advanced to enable him to state the time, but he would propose that the second reading should be put off to this day six weeks; and if it was then made manifest that it could be re-established, they might next session consider the question of prerogative, and the question whether the town was actually in want of a third theatre. With respect to the monopoly he understood that a valuable consideration had been given in money for the patent of Drury-lane. The hon. gent. had put the question on a fair footing; and, he believed, would not think it unfair in him to move as an amendment, that the word "now" be left out, for the purpose of introducing "this day six weeks."

Mr. *Mellish* said he should be sorry to oppose such a proposition, but he had not now the power to consult those persons at whose request he had brought in the Bill.

Mr. *Whitbread* said, that if there should be no other opportunity of bringing it in this session, he would be right in not yielding to the amendment; but as that was not the case, he saw no ground for opposing it.

Mr. *Mellish* said, that as the sense of the House appeared to be against him, he would not so far injure the cause of those for whom he acted, as to call for a division.

The Amendment was accordingly carried.

Election Bribery Bill.] Mr. *C. W. Wynn* in rising to move for the second reading of the Election Bribery Bill, deprecated the idea that this was a subject too delicate to be touched. He referred to the act lately passed, the provisions of which were not adequate to the purpose for which it was intended, as it was a notorious fact that seats in that House had been sold since. The only change it effected was that of sending the purchaser to the principal, and taking the traffic out of the hands of subordinate agents. The penalties attached to selling seats were now sufficient, but the difficulty of detecting them was still great; to remedy which he would propose, that those persons who had been bribed, and who came forward as evidence against the briber, should be indemnified against all consequences. He had seen members of that House give evidence against those they bribed. Another principle which he thought it would be right to adopt was, that of enabling a committee of that House to compel an answer to its questions, even from persons who were themselves concerned. The third provision was, that the petitioners might be examined; for as the law now stood, a man had only to sign his name to the Petition, and he could not be prosecuted. He would also propose that the petitioners should give security, not only for the due prosecution of the Petition, but for the defraying of the expence. And, lastly, he would recommend that the right of petition should be thrown open to every one. There were instances in which those who had signed petitions to that House did not pay the expences, and to remedy this and the presenting of frivolous and vexatious petitions, it was his intention to provide in another Bill, that they should enter into a bond for 500*l.* each. If the House was of opinion, that bribery should be kept out of sight, he was sorry they had agreed to the act, which was passed two years ago; for that was a pledge to the country, that they would investigate and prevent it. They knew, however, what had happened since, and the conclusions that were drawn from the exposure of a traffic from which, as it had been strongly and wisely said, our ancestors would have "startled with indignation."* He had been asked in private, whether he really wished to put an end to the sale of seats in Parliament? he had no hesitation to state, that he certainly did; and he thought it wiser to adopt measures which would prevent the recurrence of such acts, than selecting instances for prosecution, which were the more excusable, as the practice was general. He thought the best course for Parliament would be, disclaiming all wild theories, to set about the correction of the abuse; but if they refused to look into it, the number of the discontented, he feared, would be greatly increased.

Mr. *Brand* said that nothing but a plan founded on a comprehensive view of the subject could possibly do any good. He had no hopes from such partial measures as the present. The effect of them would be nothing else than to throw the monopoly of the purchase of seats into the hands of the Treasury. He was convinced his hon. friend would some time feel the difficulty of doing any good by applying partial remedies to a general evil. To the constitution alone they must look in devising a general remedy commensurate with the evil. Into this, however, he would not enter at present, as after the Easter recess he intended to propose a general measure. The present measure would only be dangerous and mischievous. His hon. friend himself might be accused of bribery, and the witness being the only evidence, could not be convicted of perjury. The prevention of the practice of concealing bribery in the voter, by causing him to petition, was good as far as it went; but it was a very partial benefit. This much he had said on this Bill, because he was anxious that his constituents should be aware that the subject had not escaped his attention. But no great good was reasonably to be expected, except from a real, true, and moderate reform—and for this he was anxious. He wished his hon. friend not to press this to a division, as he must be aware that the Bill had a bearing which perhaps he himself had not observed when he brought it in.

Mr. *Johnstone* opposed the Bill, upon the ground that no general or special reasons had been stated to shew the propriety of any legislative measure on the subject. No evidence was produced to prove that seats had been sold since the late act. For many years past the practice had been gradually decreasing; and there was more purity now in election cases, than in the boasted times of our ancestors. He could tell of some of their practices calculated to make their posterity blush for them, whether the conduct of their posterity would have made them start back with horror or not. In the case of Ashburton, in 1707, a motion was made in the House that the right of election was in the holders of land and tenements of the said borough only. An amendment was moved that the word "only" be left out. A ballot was called for—the clerks, with two of the members, went round with a box, into which the rest of the members put their balls. There had been a gradual improvement since. In 1807 no bribery had been proved before any of the committees; and treating was almost at an end.—He said that no cases could be produced to shew the necessity of the repeal of the bribery act, and, before the House could proceed to repeal it, it was necessary to state such necessity.—With regard to the clause respecting evidence, and which did not allow a witness to protect himself upon self-crimination, he was astonished that the hon. gent. who was bred up to the law of the land, could ever think of introducing such a clause. Had it been proposed by those speculative persons, who, in a comparison between the laws of England and the Code Napoleon, were of opinion that, in matters of evidence, it is impossible to say which abounds with the greatest evils, he should not have been so much astonished. Why was this fundamental alteration to be introduced into the law? He would ask how it happened that the law in this country was held in greater veneration than the law in any other country? And why was every body in this country anxious to bring criminals to justice? It was because the law never placed criminals or witnesses in a situation to criminate themselves, or directed the sympathies of mankind against the court. This Bill no doubt exempted the witnesses from punishment; but it could not exempt them from any disgrace. But why was this alteration in the law confined to minor offences? Why was it not to extend to greater offences? Why not to treason itself? Surely the sacred life of the sovereign and the order of society were objects of equal importance.—With respect to petitioning, the expence was such, that it could not be expected that any man from a sense of justice merely, would bring a petition into that House; and it could only be some speculative reformer, anxious to cast an odium on the higher classes, by holding them out as borough-mongers, who would think of laying out 1,000*l.* on such an object. On the whole, he thought the law sufficient, without the present Bill; and if they had any suspicion of the insufficiency of the bribery acts, they ought to wait till a general election, when they would have a trial.

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* See the Speech of the right hon. the Speaker, on Mr. Curwen's Reform Bill, vol. 14, p. 837.

Mr. *Curwen* thought that there were sufficient grounds for allowing the present Bill to go into a committee. The declaration of the Bribery Bill established the existence of that, which its enactments were found insufficient to remedy. He gave that Bill his support, differing from every one of his friends in his opinion of it, notwithstanding it was so mutilated and changed in its passage through the House by persons whom he never should have expected to see in the light of reformers, that he was convinced of its inefficacy, from an idea that some of the objections against it, ought to have been pointed out by some of his friends.—The hon. gent. who opposed the Bill, said that he could not see the necessity of it, as from our advancement in purity, there was now a great diminution of cases of bribery. When he heard this declaration, he could not but call to mind the speech which they had heard delivered with so much eloquence from the Chair, which deservedly endeared him to the nation and would endear him to posterity. It was notorious that the House of Commons was not possessed of that power and that influence which a House of Commons ought to have, but was stained with spots, which those who were best attached to it, could wish washed away. He confessed he was anxious for a considerable reform in the House. Let the House look to the present moment, and the present situation of the country, and then say if the greatest victory which could be obtained would not be a restoration of the purity of that House. It was well known that the Bribery Act was turned from the purposes for which it was intended. The hon. gent. asked for cases. There were cases with which the hon. gent. could not be acquainted; but if a single case could be adduced, was it not necessary to prevent the possibility of recurrence? It became necessary, therefore, to send the Bill to a committee, where the subject could undergo a complete discussion.—The hon. gent. asked if they would permit a man to come before the House who had no interest in the question? Gracious God! was there a man in the country who was not interested in every thing that concerned the purity of the House! He asked why the mode of evidence on the Bill was not extended to treason? The principle of the law of treason was deservedly the subject of admiration. It considered that he who was the presumed enemy of every man, should therefore be entitled to peculiar protection. But here the object was not punishment, but the preservation of the purity of the House, by preventing a man from sitting in it, who shall have committed an act of bribery, an object of much greater importance than the conviction of the offender, and perfectly distinct from it.—Those who were afraid of the advocates of reform out of doors would do well to consider, that the most effectual way to prevent converts to that doctrine elsewhere, was to do every thing themselves that was temperate and just; and if they were to put an extinguisher upon reform by strangling the present Bill, they would take the most effectual means of giving currency to the doctrines they dreaded. Let the Bill go through every stage, and let it be discussed with all the patience and all the attention of which the House was capable, and if they should so incline, let it at last be rejected. If it should now be strangled, and not allowed to go into a committee, what would be thought in the country? Not surely what the hon. gent. professed, that there was no corruption to reform, but that there was too much corruption to allow reform. The only way to obviate the dangerous tendency of the opinions which they dreaded, was to go themselves into every moderate plan of reform which was practicable. It was impossible to take a more unwise step at present, when all the attachment and all the exertions of the country were required, than to strangle the present Bill. Every man could wish the declaration which was made in that House blotted out from his remembrance; and as he wished to prevent the possibility of the recurrence of the evil, he earnestly requested the concurrence of the House in allowing the present Bill to go into a committee.

Sir *John Anstruther* said, that he should oppose every alteration of the present constitution of that House, and had he merely heard the speech of the hon. gent. who spoke last, he should have concluded that such was the object of the present Bill. Notwithstanding all the lofty language which they had heard from that hon. gent., almost threatening them with the distrust and condemnation of the people if they did not accede to this measure, he would tell that hon. gent., that a Bill ought to be canvassed in that House on its just principles, and when those principles did not meet with their approbation, they did their duty in rejecting it; and in endeavouring to please the people in opposition to their own sentiments, they would not do their duty, but commit an act of injustice.—He then proceeded to discuss the clause relating to evidence, which went to violate a principle acknowledged in the laws of this and every other country. It was said that the witness was indemnified from punishment. But was it possible to indemnify him from the effect of moral guilt, from the loss of character sustained by the compulsive discovery. Another strong objection to this part of the Bill was, that it increased the temptation to perjury for the purpose of conviction or acquittal. An informer came into court with all the blackness peculiar to an informer, and his credibility was affected by it. But here he was relieved from all that odium. Why not introduce this principle to other crimes? He had therefore, great objections to the introduction of a principle of which he could not see the termination.—To the other clauses he had also great objections. From giving a general right to petition, little good could ensue, and a door could be opened to a great deal of mischief. He should therefore oppose the Bill going into a Committee.

Sir *John Newport* thought it very natural that those who opposed every plan of reform which could have any practical effect, on some pretext or other, should also oppose the present Bill. All the reasons, however, which he had heard against committing the Bill, were, in his mind, so many reasons in favour of the measure. If the Bill was liable to the objections which had been specified, the way to purge it from those objections was to go into a Committee. What would be the consequence of a refusal? It would convince the people of England, that the former measures of the House were merely resorted to for the sake of tranquillizing the public mind for a moment, and not from any serious desire of reformation. The hon. gent. opposite (Mr. Johnstone,) had asked for a case. Why, the very evil was the secret nature of the act, from which, by the existing law, it would be impossible ever to make a discovery of it. If the offence could be discovered, the present law was sufficient to convict the offender, and there would then be no necessity of coming to the House for an alteration. He concluded with declaring, that he should vote for the Committee.

Mr. *Morris* thought it impossible to look at the subject, without seeing that there was great room for improvement in the election law. It was not sufficient for the House, however, to be convinced that there was this, that, and the other thing, to censure. They were to look at the question narrowly, and to see that in their desire for improvement they did not introduce an abuse rather than a remedy. He particularly objected to the clause, by which a person was compelled to make a disclosure of an offence in which he himself was implicated. This was to oblige a jury to give credit to a person so circumstanced, whether he might be swearing true or false; and, at the same time, to leave the party against whom he complained completely at his mercy. He had only to name a time and place when no person else could be present, and in this way, must be certain of acquitting or convicting as he pleased, and at the same time of himself escaping detection. The remedying the abuses in elections, was a consummation devoutly to be wished; but, not at the expence of such a Bill as the present.

Mr. C. W. Wynn shortly replied, when the House divided, Ayes 17. Noes 64. Majority against the Bill 47.

List of the Minority.

Adam, W.
Adair, R.
Aubin, Sir J. St.
Abercrombie, J.
Burdett, Sir F.
Babington, T.
Curwen, J. C.
Grattan, H.
Hibbert, G.
Hutchinson, C. H.
Hussey, W.
Langton, G.
Moore, P.
Newport, Sir J.
Ponsonby, G.
Thornton, H.
Tracey, H.
Wilberforce, W.
Wynn, C. W.

IRISH MISCELLANEOUS SERVICES.] In the Committee of Supply, Mr. Foster moved, That a sum of 25,000*l.* Irish Currency be granted for defraying the expence of Criminal Prosecutions and Law Expences for one year,

Sir *J. Newport* wished to know why the accounts relative to this grant, had not been accurately stated as usual?

Mr. *Foster* replied, that the Estimate was before the House.

Mr. *W. Pole* was happy to inform the right hon. baronet, that the grant of the preceding year had been 25,000*l.* of which sum 2,875*l.* remained on hand as the surplus. The right hon. baronet knew very well what the grant was composed of, and he also knew very well that the expences this year for special commissions, &c. were great. It had, therefore, notwithstanding the surplus remaining, been deemed expedient to take the same sum for the present year.

Sir *J. Newport* expressed himself dissatisfied with the statement of the hon. gentleman. He declared that he was not to be put down in the discharge of his public duty by the tone and manner of the hon. gent., which did not result altogether from his official situation, but was in some degree a family inheritance.—(Order, order.)

Mr. *W. Pole* thought it was hard that the hon. baronet should accuse him of arrogance after the attempt which he had made to satisfy his inquiries. He trusted, however, that the Committee would be convinced that he had fully explained th subject.

The Resolution was agreed to. Th next sum proposed was the annual gra for Civil Buildings in Ireland.

Mr. *W. Pole* said, that the sum usuall voted under the head of Civil Building was 25,000*l.* and the general opinion wa that this sum was expended on a few public buildings, and upon the houses of th lord lieutenant and the chief secretary The sum expended however amounte very often to double the sum granted. I order to correct this evil, he thought it necessary that the estimates should b framed in a different manner, and he ha given directions that they should state distinctly the different services for which th money was required. The papers therefore now before the House, contained detailed estimate of the probable expenditure of the Board of Works for the yea 1811, distinguishing each building i which works were to be performed, viz the castle, the law courts, public offices and other public buildings, also the house of the lord lieutenant and chief secretary and the improvements in the park. Whe the Committee heard the various heads o service which he had read, they would not he was sure, be surprised that the sum o 25,000*l.* was not sufficient to cover the expenditure, which in fact generally amounted to near 50,000*l.* Having calle upon the Board of Works, as he had befor stated, for the most minute and detailed estimate that could be made of the differen services for which money was required these estimates had been submitted to th heads of the different departments in which the work was to be performed, and thei opinion taken before the work was ordered. By the adoption of this plan though the sum which it was proposed t vote was larger than usual, yet the actua expence was reduced from 50,000*l.* t about 32,000*l.* This was the best plan that suggested itself to his mind for commencing a reform, and he begged to add that no step had been taken without the authority of the lord lieutenant.—Having stated thus much, he begged to say a few words upon a passage in the 7th Report of the Committee upon Public Expenditure, of which an hon. friend of his, opposite to him, was chairman (Mr. Bankes.) The Committee had issued two precepts to the Board of Works in Ireland, one on the 23d February, the other on the 23d March. The first calling for " An Account of the pplication of 25,000*l.* voted in the last ession, for defraying the expences of Civil Buildings, from the 5th January 1809, to 5th January 1810, together with the names of all persons receiving salaries or allowances out of the same; and a statement how much the said sum was deficient to defray the whole expence incurred; specifying also, by whom the bills relating to that sum have been or are to be examined and audited." The second for "An abstract Account of the several particulars of expenditure by the commissioners of the Board of Works, of the sum of 25,000*l.* granted by parliament, for defraying the expence of civil buildings in Ireland, from 5th January 1809, to 5th January 1810, specifying the several public buildings, to the erection or repair of which the said grant was applied." In the return made to the first of these precepts, the Board of Works gave a detailed account of the whole expenditure, amounting to 50,014*l.* 1*s.* 6*d.*; and in the one founded on the second, they gave an exact account of the expenditure of the 25,000*l.* conformably to the desire of the Committee: and indeed so minutely was it stated, that it appeared there was a balance in the Bank in favour of the public of 16*s.* 6½d. It appeared to him, that when a board or an individual was called upon for a return of this kind, that nothing could be more satisfactory than that the return should be precisely what it was required to be. To this principle the Board of Works had in these instances most honestly and conscientiously adhered. He now begged to read that part of the report to which he wished to call the attention of the Committee. He was the more anxious to notice this subject, because the persons who composed the Board of Works in Ireland were men of the most respectable character, who had always discharged their public duty in the most exemplary manner; and it was natural therefore that they should feel deeply hurt when any censure was passed upon their conduct, especially from so respectable a quarter.—Mr. Pole then read the following observations of the Committee:—"Your Committee desire to call the attention of the House to the following paper, containing nominally an account of the expenditure of the same vote for the same, as a curious specimen of official dexterity in manufacturing a statement, by means of which a true return may be rendered as to figures, while the result must lead to a false conclusion. It is undeniable that out of any given sum, no more than the amount of that sum itself can be expended; but it is equally true that a detail made out with the greatest apparent accuracy, exhibiting a part only of the sums actually paid for several heads of service, and suppressing the total charge, without any notice or indication that any further expence was incurred, could not induce the least suspicion that when the Board of Works professed, out of the vote of 25,000*l.* to have a balance of 16*s.* 6½d. in hand, they had in fact run in debt to the amount of 25,014*l.*" He wished to ask the Committee, whether the returns made by the Board of Works deserved this censure? they had stated that the whole expenditure amounted to 50,000*l.* and afterwards they gave a detailed account of the manner in which the 25,000*l.* had been expended. They had in fact, done that which they were required by the precept to do, and therefore he could not but think that the observation made upon them in the report contained an unfounded aspersion upon their character. The Board of Works had made a complaint to him upon this subject, and stated, that they had made another return to the Committee respecting the sum of 14,000*l.* expended over and above the 25,000*l.* of which no notice whatever was taken in the report. He would not trouble the Committee any longer, but he hoped it would appear from what he had stated, that the Irish government was anxious to reduce the public expence as much as possible, and that they were not disposed to adhere to old forms when upon examination they appeared to be improper.

Mr. *Bankes* said that as the two returns had been received together, he supposed he had taken up one of their first, which led to the censure which appeared in the report of which he avowed himself to be the author. At the same time he wished to state, that he was not disposed to retract what he had said, because he was of opinion that the returns were made in such a way as if they wished to keep back a part of the truth.

Mr. *Pole* said, his hon. friend was not aware of the manner in which the Board of Works drew for the money which was necessary for the services which they were required to perform. In the first instance they drew until the 25,000*l.* the amount of the usual grant, was exhausted, and then they were under the necessity of drawing upon other funds, to cover the whole of their expenditure.—They were required by the precept of the Committee to give an account of the expenditure of the 25,000*l.* which they had done, and they had also given the details of the whole of the expenditure of the year, what could they do more? In fact they had endeavoured to give every information in their power, and he was sure the Committee would, when they looked at the returns, be of opinion, that they had in every respect, and in the fullest and most satisfactory manner, complied with the precepts which had been sent to them.

Sir *John Newport* was of opinion, that the returns might have been worded in a more satisfactory manner, and therefore he could not but think that the censure which appeared in the report was well founded.

The *Chancellor of the Exchequer* said, that it appeared to him that the statement made by his right hon. friend was most satisfactory. The returns made by the Board of Works appeared to have been made with an anxious desire to give every possible information to the Committee. If their object had been, as it was insinuated, to conceal the details of the expenditure, they certainly had taken the most extraordinary means of doing it, for they had accounted for every sixpence that had been laid out. He was quite sure that a return from any other part of the United Kingdom would not be described as a specimen of a dexterous attempt at concealment, merely because it contained all the information that had been required, and that could possibly be given.

Mr. *H Thornton* said, that being a member of the Committee, he felt anxious to state his sentiments on this occasion. He had looked over the returns attentively, and it appeared to him that there was no foundation for any censure upon the Board of Works. The returns might perhaps have been framed in a different manner, but there was obviously a desire to give all the information required.

Mr. *Pole* said, he hoped the Committee would excuse him for rising again, but he really felt it to be his duty to vindicate the character of the gentlemen who composed this Board, which in his opinion had been most unjustly attacked. He merely wished the Committee to bear in mind that they had made two returns to the precepts; the first contained a detailed account of the whole expenditure of the year, the second an account of the expenditure of the 25,000*l.* These two returns had been sent to him from Ireland together, and they had been transmitted from his office to the Committee of Public Expenditure at the same time. There was only one more remark which he thought it necessary to make, and that was, on the manner in which the two accounts were inserted in the report, which tended in some degree to overturn the defence set up by his hon. friend. The return to the precept of the 23d of February stood (as it ought to do) first; then followed the censure upon the Board of Works, of which he had complained; and lastly came the return to the precept of the 23d of March, without any observation whatever. This shewed they were properly classed, but had not been sufficiently digested, otherwise that censure would never have appeared in the shape it did.

The resolution was then agreed to.

Mr. Foster next moved the resolution for Maynooth College, granting a sum not exceeding 8,973*l.* to that seminary for the year ending 5th January 1812. On the question being put,

Mr. *Hutchinson* said he could not help expressing his astonishment to hear, after a series of grants, each of which had been more or less encreased, the estimate for Maynooth College, even less than the ordinary one. He knew, and the minister for Ireland he believed knew also, that that estimate in every respect fell short of the necessities of the institution: instead of lessening what was already too small, it would have better become that government which had begun by diminishing the original grant of 13,000*l.* a-year, to have suggested such an encrease as might have been of some use to an establishment they had so much injured. He did not wish to repeat those arguments which had been so often and ineffectually urged against the infatuated prejudices with which the present ministers looked to every Irish question; but he would cite to them from their own estimates, one or two facts which he must leave to them to account for: of the sixteen principals presiding in that seminary over 260 students, the full salary amounted to 25*l.* a year each. Thus, the men who were entrusted with the education of those who were destined to preside over the morals of the Irish people, were severally allowed 16*d.* a day for their support! and this too, while in another estimate which they had just voted, it appeared, that the mere day-labourers in the Dublin society house, had an allowance of 12*s.* a-week each, while those who were to rear the future pastors of the people, were to starve on 9*s.* 4*d.* a-week. This was in itself so bad, so mean, so pitiful, so indecent, that no mode of stating it could make it worse than it was. If ministers wished to put down the institution, why not come to parliament and say so openly, and not make a parliamentary grant at once the pretence and the means both of insult and of injury. They had just voted 10,000*l.* for printing Irish proclamations. He called upon the minister to get up in his place, and say, why the principle, which was allowed to have an operation in raising all the other grants (the rise in the price of provisions), should not be allowed to have its effect in the increase of this estimate.

Sir *J. Newport* thought the sum proposed not sufficient, and that the grant ought not to be less by 350*l.* than on former years. He would certainly move, that the sum of 9,250*l.* should be granted.

Mr. *Herbert* thought a larger sum ought to be granted, and would move, that the sum of 13,000*l* should be the grant, if any person would second the motion.

Mr. *Grattan* was of opinion it would have been better had such a grant been voted in 1806.

A conversation followed, in which Mr. Hutchinson, the Chancellor of the Exchequer, Mr. May, Mr. Whitbread, Mr. Herbert, Mr. Abercromby, Mr. W. Wynn and Mr. Foster participated. In this, the manner in which the sums granted were applied was discussed. The necessity of a larger grant was strongly contended for on the one side, and strenuously resisted on the other. It was proposed to postpone the grant, but this being objected to, sir J. Newport moved, that the chairman should report progress, and ask leave to sit again. The gallery was then cleared for a division. But the proposition was negatived, and the grant originally moved agreed to by the Committee.

Mr. *Hutchinson,* before the House resumed, wished to ask a question of the right hon. gent. opposite. It had been strongly rumoured, that he (Mr. Foster) was about to quit his high official situation. He wished to know, if it was in the contemplation of government, in the event of the Chancellor of the Exchequer for Ireland becoming vacant, to abolish that office altogether, or to fill it with another officer?—(Loud cries of Order!) He did not conceive he was out of order. In the present situation of the affairs of Ireland, which approached a state of bankruptcy, he thought every possible saving should be made.

Mr. *Foster* thought the hon. gent. was not in order, and therefore he should only answer by saying he hoped the Irish Chancellor of the Exchequer would not be brought to trial, or condemned without being allowed a fair hearing.—The House was then resumed.

HOUSE OF COMMONS.

Tuesday, March 26.

Spilsby Poor Bill.] Mr. *Chaplin* moved the second reading of the Spilsby Poor Bill, for the purpose of postponing it for a month. He was aware that there were many objectionable clauses in it; but, perhaps, with several alterations, it might be rendered worthy the attention of the House.

Sir *S. Romilly* was anxious to give every opportunity for improvement, where improvement was possible, but the whole frame and object of the Bill was bad: there was not a single clause but what was liable to objection. He again adverted to some of the most extraordinary provisions of this Bill, which was intended to operate upon twenty united parishes. The directors were empowered to compel all the poor throughout the whole extent of these parishes, whether asking for relief or not, to go into this workhouse. They were to have all the authority of magistrates with respect to such as they should consider vagrants. They were to be allowed to enter houses at their discretion to search for vagrants. They might commit to solitary imprisonment, without limit, the poor which they collected, and administer moderate correction for misbehaviour—in other words, they were to have the power of flogging the poor under their controul, at their own discretion. They might besides, by this Bill, seize all the poor children in the parish, whether calling for relief or not, and bind them apprentices at their discretion. He understood that many of the most respectable inhabitants of Spilsby had never heard of such a Bill, and that they strongly disapproved of its provisions. He next adverted to some very objectionable provisions in acts relating to the poor, that had passed in former sessions, the St. Paul's Shadwell; the St. George's Southwark acts, &c. and recommended a more strict attention to such Bills in future. He thought that a remedy to these Workhouse Regulations was urgently required, and concluded by proposing that the Bill be read a second time this day six months.

Mr. *Ellison* wished, that the motion for a month's postponement should be agreed to, but mentioned that the magistrates of Lincoln had nothing to do with the bill, many of the provisions of which no one could read without indignation.

Mr. *Giddy* condemned several of the provisions of the Bill, but stated that some of these evils were the necessary effect of the poor laws, which induced the poor to try every artifice to get relief from the parish, and tempted the parish to resort to improper expedients to prevent such demands. He recommended to some person connected with government, to consider of an alteration in the general system.

Mr. *Rose*, while he acknowledged that our poor laws were in several respects objectionable, was sorry that they should be thus generally censured before there was any thing to adopt in their stead.

Mr. *Curwen* condemned the principle of the Bill, and gave it as his opinion, that with proper regulations, the poor might be better supported at one-fourth of the present expence.

After a few words from general Tarleton and Mr. G. Vansittart, the Bill was rejected without a division.

CHARITABLE DONATIONS BILL.] Mr. *Lockhart* moved for leave to bring in a Bill for the registering and securing of Charitable Donations for the benefit of poor persons in England. A Bill for this purpose had been brought in last session, but dropped on account of the pressure of business at the close. The inquiries that had been formerly made, had proved that there were great abuses in many charitable establishments, and that there was reason to believe many of them had been lost. Altogether they amounted to a great sum, and the object was, by the publicity of registering, that such donations should be preserved and applied to the proper purpose.

Mr. *Wilberforce* seconded the motion, and expressed his conviction that great good would result from the measure. He had no doubt the Bill would pass, if gentlemen would only consider the importance of the subject.

Sir *S. Romilly* was a warm friend to the object of the Bill, but doubted whether i went far enough to do much good. The great cause of abuses in charities, it ough not to be concealed, was the expence o the remedy. The only remedy was by information in Chancery, in the name o the Attorney General, at the instance o any person who chose to become a relator. Unless he succeeded, he had the costs to pay for his pains; and if he did succeed, he might, to be sure, be reimbursed out o the charity, but that, however, at the distance perhaps of several years. Few, under these circumstances, would become relators, and when they did, the trustees frequently designedly protracted the cause, they having the funds of the charity out of which to pay their expences. The best remedy would be to enable the Chancellor to interfere in a summary way on petition. Most of the abuses would soon be reformed by this simple regulation.

Mr. *Wynn* said a few words in favour of the object of the measure.—Leave was given to bring in the Bill.

IRISH MISCELLANEOUS SERVICES.] Mr. Wharton brought up the Report of the Committee of Supply respecting the grants voted for Miscellaneous Irish Services: On the question that the Resolutions be now read,

Mr. *Hutchinson* rose and said, that there was one Resolution respecting the sum granted in aid of the Roman Catholic Seminary in Ireland, which he could not suffer to pass in the state the House then was. He trusted, therefore, that the right hon. gent. would agree to postpone the further consideration of that Resolution until a fuller attendance could enable them to give it the consideration it called for.

Mr. *Foster* said, that he was not aware that the hon. gentleman's objection to the smallness of the sum would extend that night to opposing the sum itself. Delay might be attended with great inconvenience.

Mr. *Hutchinson* said, that the principle of providing suitably for the education of the Catholic clergy in Ireland, the clergy of four millions, was in his mind a paramount consideration. He would not allow such a Resolution to be hurried through such a House as was then present.

The *Chancellor of the Exchequer* said, that he could not see what object the hon. gentleman could obtain by the delay he required; there could be no doubt that inconvenience might arise from it.

Mr. *Foster* was against further unnecessary delay.

Mr. *Hutchinson* then said, that if he could not convince gentlemen of the propriety of postponing the further consideration of a question of such delicacy and moment to what appeared to him to be a more seasonable opportunity, he must exercise his right, and now call upon the Speaker to ———

Mr. *Foster* here rose, and said that he had no objection to postpone the further consideration of that Resolution till to-morrow. The Resolutions were then severally read and agreed to; the one respecting Maynooth College having been postponed till to-morrow.

Mr. *Hutchinson* said, that in the Resolutions just read, they had voted a sum little short of 200,000*l.* for Dublin charities, improvements, and other matters of local expenditure connected with Dublin merely, exclusive of one or two charities of a more general nature, as the Foundling, Hibernian, Marine, and Protestant Charter schools; with the exception of these, the above sum was devoted to the local purposes of Dublin, while the sum of 2,500*l.* was thought enough for similar objects in the city of Cork, the second city in Ireland, and, perhaps, the first naval station in the empire, to say nothing of its great and extensive commercial interests. It would be far from him to attempt to oppose in any way the liberality of parliament in aid of the charities or interests of Dublin; but he could not help thinking, that the disproportion between the grant of 200,000*l.* to the one place, and 2,500*l.* to the other, was out of all rule, and by no means to be warranted by any corresponding difference between the respective claims of those two great cities. The government had been annually expending vast sums upon the fortress of Spike Island, near Cork, whether judiciously or not remained yet to be proved. The object of this work, was avowedly public and general, not local, not to be considered as done for Cork only, or affecting it merely. He begged leave, however, to throw out for the future consideration of ministers, the propriety of applying some portion of those large grants to the opening the communication between that fortress and the city of Cork. This, he was prepared to state, could be effected by a few thousand pounds—by a very small portion of the thousands wasted in obsolete Dublin proclamations—and if this communication was opened, it would be not only of great and extensive public utility, but of signal local benefit to the city of Cork—a consideration which, he hoped, would ever have due weight with the minister for Ireland.

Mr. *Foster* denied that the 200,000*l.* was granted to Dublin solely. The Foundling and other Institutions were of general, not local or Dublin interest. Besides, if Cork wanted help, was she not able to help herself—if she wanted aid, she might come to parliament and ask it.

Mr. *Hutchinson* replied, that he had not said that the whole sum was devoted to the mere local benefit of Dublin, so far from saying this, he had excepted the charities mentioned by the right hon. gent. He spoke generally. He repeated, that he thought much less money would be more advantageously expended in the instance he had given. He expressed his hope that the right hon. gent. would think it worthy of some consideration hereafter, and would also agree to contribute more largely than parliament had yet done to the Cork charities. He knew them to be excellent institutions, and earnestly trusted they would not be let to fall into decay for the want of that timely aid which he was sorry to say they stood much in need of. He hoped that the Irish grants for the future would not in general be so much confined to the capital.

The other Orders of the day were then disposed of, and the House adjourned.

HOUSE OF COMMONS.

Wednesday, March 27.

IRISH MISCELLANEOUS SERVICES—MAYNOOTH COLLEGE.] Mr. *Hutchinson* said, he did not consider any apology to the House necessary for his excepting last night the Resolution respecting Maynooth College from the other Resolutions agreed to in the Committee of Irish Supply, because the education of the Catholic clergy of Ireland, a clergy who had the charge of four millions of souls intrusted to them, was an object of sufficient importance to deserve the most serious attention of the House. The College of Maynooth was established by parliament in 1795, for the education of 200 Irish Catholic students. For this purpose the sum of 8,000*l.* was then granted. Prior to that period he was sorry to say, such was the want of humanity in the government of Ireland, that it was necessary for the Catholic students to seek for education in foreign parts; and when the grant in 1795 took place, not fewer than 500 students were on an average educated abroad. As the institution was new, it was not thought proper to provide at first for more than 200 students. As the French war, however, continued, and the French power was every where established, the Irish Catholics were driven out of every corner of Europe; and in 1806 and 1807, the then ministry, thinking it expedient that the number of scholars should be increased to 250, came to parliament for an increase of the grant to 13,000*l.* The first act, however, of the No Popery Administration was, to obtain the sanction of parliament to a reduction of one third of this sum. He could state from his general knowledge, that the College was not provided with such professors as was necessary for the proper education of the Irish clergy, though good professors could easily be obtained if any thing like an inducement were held out. Government have allowed, in their liberality, the sum of 25*l.* per head for the professors; and students equal to 10*d.* per day; and yet they called on the House to vote to mere day labourers in the Dublin Society House 1*s.* 8*d.* per day. Could there be a greater indecency than such a paltry allowance to those professors, who ought to be among the most learned men of Europe? Could any thing be more indecorous than such an allowance? While they were allowing the librarian of the Maynooth College only 20*l.* a year, they had thought proper to allow the sub-librarian of the Dublin Society 150*l.* a year, and 35*l.* a year to its chambermaids and porter. He had stated last night that all the other Irish grants were considerably increased, while this alone was reduced. The Protestant charity-schools had obtained an increase of 10,000*l.* a year. He did not wish to say any thing against these schools, but he thought it strange, that whilst they were allowing 39,000*l.* to the Protestant charity-schools consisting of 2,300 boys, they should allow only such a miserable pittance to those who have the charge of the morals of four millions of subjects. There was voted the other night to the non-conforming ministers and seceding clergy of Ireland 13,200*l.* who represent only about half a million of the Irish population, while 4000*l.* was deducted from the allowance to those at the head of four millions. What he had to complain of was, that the ministry should come to the House wit false pretences, professing the utmost economy, but practising, in reality, th greatest profusion, with the exception o this penurious allowance. The othe night 10,000*l.* was granted for the printing of proclamations. From this sum 6,000*l.* might safely be deducted. He was prepared to prove that this sum had been used for the most unworthy purposes 23,000*l.* was voted for stationary to th chief and under secretary's office,—o this 10,000*l.* might safely have been given to the Maynooth College. 32,000*l.* had been given to the Board of Works. The greate part of this sum was employed in improving the houses of persons attached to the Irish government. What a contrast between the profusion of these allowances and the miserable pittance to the Maynooth College! Various other sums were given for objects of small importance: for instance 2,300*l.* to the lottery offices. What an object to come in competition with the moral education of a nation! If they wished to economize, here was a field for them. He was told the other night, by the Chancellor of the Exchequer, that the College had obtained all that it asked. In this there was a great deal of duplicity; he had no doubt that the present government had not been applied to for an addition. Why should they apply for an addition to a government which was reducing their present allowance, and which was making the most illiberal attacks on the whole Catholic body? A number of queries had been put by the Irish Secretary to the College, respecting the number of pupils and professors, the amount of contributions, the regulations of the College, &c.; but no query was thought proper to be put, whether the allowance from government was adequate to supply a sufficient number of clergymen to the Irish Catholics? If 500 students were requisite in 1795, surely the same number must be requisite at present, when the Catholic population of Ireland is greatly increased.—The right hon. the Chancellor of the Exchequer, shewed last night a degree of irritation against the institution, while he expressed a wish that it had never been established, that he could hardly have expected from him. However he might differ from that right hon. gent. on the subject of emancipation, he had yet too much respect for him to think that he could ever seriously entertain a wish that the Catholics of Ireland should be irreligious. Whatever their religion was, surely it was better that they should be instructed in that religion—that they should be religious than irreligious. He really could hardly conceive any person so bigotted as to be of a contrary opinion! Bigotry and ignorance could alone conceive the diffusion of education and instruction among the members of any religious society, incompatible with the security of the British constitution. Such a doctrine was the offspring of that spirit, which, beginning in plunder, ended in persecution: the spirit which prohibited intermarriages between the different bodies of the same community; the spirit which stirred up the father against the son, and the son against the father, and which prevented the education of the majority of a nation under pain of transportation. If this should be doubted, he could produce living witnesses to declare that they were compelled to seek their education among the rocks and woods for fear of transportation. Although he could not impute such a spirit of persecution to the right hon. gent. yet from the antipathy which he manifested to this institution, he could not but think, if he continued long to be minister, it were sincerely to be wished that he should change his sentiments. Would he prefer an education to the Catholics in a foreign land to an education at home? If not, why quarrel with the institution! Why throw out against it such illiberal insinuations? When he recollected the practice of the House of Commons in similar circumstances towards mere strangers, he was astonished at this neglect of their Catholic brethren. He could state of his own knowledge that there was a great deficiency of Catholic clergymen in Ireland, and he would appeal to the House on behalf of a people every way worthy of their attention, in behalf of a people who were once in a state of civilization, compared with the rest of Europe, who diffused their learning and knowledge to other nations, and whose former literary fame is on the record of several of the universities of Europe. Search the records of the universities of Munich, St. Gall, Padua, and Paris, nay search even the records of your own universities, Oxford and Cambridge, and it will be seen how great is the obligation which science and literature owe to the professors and learned men from that country, to which was now refused a liberal grant for an establishment, which had for its object the education of those who are to inculcate the doctrines of Christianity among four millions of their fellow creatures, whom, while they were calling brethren, they were treating worse than the negroes of Africa, or the hindoos of India, towards whom they had exerted themselves for the extension of the light of the Gospel. He would read an extract from an English historian, shewing the protection which Ireland afforded to this country in the dark ages. Lord Littleton in his History of Henry 2, (quarto edition, p. 26), says, "About the middle of the 7th century (says the venerable Bede), numbers of the nobles and of the second rank of England left their country, and retired into Ireland, for the sake of studying theology, and leading there a stricter life. All these (he affirms) the Irish most willingly received, and maintained at their own charge; supplying them with books, and being their teachers without fee or reward."—"A most honourable testimony (says Littleton) not only to the learning, but also to the hospitality and bounty of that nation."—"Among many learned who were driven by the terror of this persecution (that of the Scandinavians) to take refuge abroad, none distinguished themselves more than Albin and Clement, whom the emperor Charles the Great received in his court, and honoured with his favour. Of the last of these it is said, by a contemporary German writer, that through his instructions the French might vie with the Romans and the Athenians. John Erigina, whose surname denoted his country (Ere or Erin, being the proper name of Ireland), became soon afterwards famous for his learning and good parts, both in England and in France. Thus did most of the lights which in those times of thick darkness cast their beams over Europe, proceed out of Ireland." Such was the conduct of the ancestors of those Catholics, when the English were in a state of darkness, and the Irish were in a state of comparative civilization; and fed, cloathed, and protected them. Would they refuse them this grant of 4,000*l.* which could not injure them, or be in any way felt by the state, but which would greatly add to the comforts of this institution. Did they refuse it on a principle of economy? On such a principle they could not refuse it, because, on looking to their other grants, they would see nothing but luxury, extravagance, and profusion. He should therefore move for the recommittal of the resolution.

Mr. *Herbert* of Kerry seconded the motion.

Sir *T. Turton* submitted to the House whether the grant proposed to be made, could be considered adequate to the charity to be supported. He thought, that to come at this point, the amount of the grant had been fairly contrasted with the other items voted on the present occasion, as for instance, with the sum of 10,000*l.* voted for the expence of proclamations. It was disgraceful that so great a sum should be voted for such a purpose, and only 9,000*l.* be granted to the clergy, whose duty it was to instruct, or more properly to civilize the great mass of the country.

Mr. *P. Moore* contended, that in voting a sum to the Maynooth College, the House did nothing more than give back to the Catholics a small part of the sum they had paid for the public good. The ends of all governments were for the benefit of the governed; instead of which, it seemed here to be the object to separate the government from the governed, and to render their interests completely independent of each other. This was a thing to be deplored, and it was a calamity daily growing on us.

The House then divided.

For the re-committal of the Resolution............................12
For the original Resolution.....30
Majority for the Resolution......—18

HOUSE OF LORDS.

Thursday, March 28.

Thanks to General Graham, &c. for the Victory at Barrosa.] The order of the day being read,

The Earl of *Liverpool* rose and said; I rise, my Lords, to bring forward the motion of which I had the honour to give notice on a former evening. In introducing it, I shall endeavour to preclude, as far as possible, all difference of sentiment, by abstaining carefully from any topic upon which a difference of opinion may have been formed. I shall therefore confine myself to the direct question to which my notice referred, and upon which I trust I shall have the unanimous support of your lordships. It is to pay the tribute of our decided approbation and applause, to the gallant army under lieut. general Graham. An army and a commander, my Lords, who have given the most signal and brilliant proofs of valour and skill, of bravery, discipline, and intrepidity, in manner, I had almost said unparalleled, b certainly never yet transcended on an other occasion whatever in the militan annals of the country. The circumstances of this brilliant affair are known t your lordships; you are informed of th complete and successful repulse of a superior army of the enemy, by an army i numbers considerably inferior. You ar aware of the attendant circumstances bein all such as appertain to an indisputabl victory. You have observed that, beside the cannon and standards which wer taken from the enemy, and the great number of prisoners that were compelled t yield, that no fewer than three general fell, a number greater than was attached t the British army itself. In addition to al this, my Lords, you will observe the ver unusual and extraordinary circumstance and I believe this to be the first time of it occurrence, that in an action so contested there was, on the part of the British troops not a single man lost as a prisoner, o even missing. It is also to be considere that the field of battle remained undisputed in the occupation of the British army. What I am now saying, is tha which, I am sure, will meet the feelings o every one of your lordships, namely, that this action will tend to confirm the opinion so justly entertained by all intelligent and unprejudiced men in Europe, that when British troops are opposed to the troops of any nation whatever, in nearly equal numbers, their superiority is marked and decided. In the case before us, if any further proof of their great superiority were wanted, we have to consider that the full tribute of approbation and applause is due to every regiment, nay to every man engaged in the whole army.—Every individual was emulous, and anxiously active in the performance of his duty. In every point of view in which this action can possibly be regarded, it challenges the most unqualified approbation and the most unlimited applause. I feel assured that whatever other considerations may impress the mind of any noble lord upon the campaign generally, nothing will induce your lordships to withhold your cordial and unanimous thanks to those through whose labours and intrepidity this most brilliant victory has been achieved. The Thanks of Parliament, together with the declared approbation of their Sovereign, is the most distinguished and acceptable mark of favour—the highest boon that can ossibly be conferred upon military men. n speaking of this army, my Lords, it is npossible to avoid speaking more paricularly of the merits of the General, who ommanded it. We cannot avoid regardng with applause and satisfaction this gnal display of the most perfect presence f mind, and promptitude of decision, hose great and leading qualifications of a General. To his spirit and decision in he arduous moment of difficulty, the sucess of the day appears to be attributable. But I feel assured that your lordships are most willing to pay your tribute of aplause to every part of his conduct. The Gallant Officer in question well deserves he thanks of his country, not only for the rilliant effort before us, but for his whole military conduct; he has devoted the last 8 years of his life to the service of his ountry, and to a great extent, under cirumstances of a very peculiar nature.—The Gallant Officer in question never lost ny opportunity in his power of distinuishing himself. He was always in the ost of danger—in the post of honour, in very part of Europe where he has been ngaged. It may not, my Lords, be improper to mention, though the circumstance trivial in reference to the vote which I m about to propose, that the conduct of General Graham has excited the warmest pprobation of the representatives of the Spanish nation. I shall only detain your rdships with one other observation:—I annot without peculiar satisfaction conider that conjointly with the British troops, wo corps of foreign soldiers were engaged, ne a German corps of cavalry, whose onduct on this occasion has been praised the highest and strongest terms; and he other a Portuguese corps, raised under he system your lordships have sanctioned y your votes on a former occasion. Of hese, and I speak on the testimony of General Graham with pleasure, I must add hat they were amongst the first to enter nto the action, under all the disadvantages ith which that action was fought; not ven a British battalion could more hoourably distinguish itself. With these obervations, my Lords, I trust I shall be ermitted the honour of introducing, for our adoption, the following motion. His rdship then moved, "That the Thanks of his House be given to Lieutenant General homas Graham, for his highly meritoous and gallant conduct on the occasion f the Brilliant Victory gained over the rench army at Barrosa, on the 5th of March, 1811." The motion being read,

Earl *Grey* expressed his approbation of the candour, with which the noble secretary had brought forward his motion, and declared himself to be equally anxious to abstain from touching upon any topic which might give rise to a difference of opinion on such an occasion as the present. The noble earl had certainly adduced sufficient grounds for the unanimous vote of thanks in the relation he had given of one of the most brilliant services ever performed by a British army. He could not, however, deny himself the satisfaction of expressing his own most cordial concurrence in the motion. As far as the British arms were concerned, the affair was entitled to the most unqualified praise. If Cadiz was not relieved from the pressure of a siege, it was not for want of exertion on the part of the British army. The affair was of that nature in all its circumstances that promptitude and decision were principally called for, and it was impossible to describe, in adequate terms, the skill and energy with which that decision was formed, or the celerity and vigour with which it was carried into effect. It was never exceeded by any of those actions to which the glorious feelings of national pride looked back with satisfaction and delight. It was certainly a proud recollection for the natives of these islands, that not only their power at sea, when fleet was opposed to fleet, and ship to ship, was so decidedly superior, but that also on land, and on an occasion too, where British troops were placed in a situation, by circumstances not of their own creating, they had also evinced a decided superiority! The action, he repeated, as far as the troops under general Graham were concerned, was entitled to unqualified praise. But he could not suppose that his Majesty's ministers were so destitute of discrimination or of feelings, with respect to an effusion of British blood, as not to adopt such measures as would in future prevent the recurrence of such an event as occurred. He would not now introduce topics which might create feelings adverse to the unanimity that ought to prevail; he trusted, however, that firm representations would be made against conduct that so long had favoured the success of the enemy, and that such a system of vigour and determination would be acted upon, as would evince it was not yet too late for the achievement of complete success. He referred to, and pressed upon the attention of ministers, the dying request of that illustrious officer, who fell in combating the enemy in the peninsula. He trusted that marks of signal approbation would be conferred on the worthy and gallant officer, whose brilliant exploit was then before their Lordships. Promotion with respect to rank was held among the most honourable distinctions in the army; and he hoped the great military talents and heroic ardour which general Graham had so unequivocally manifested, would be employed in a more extensive and important field than they hitherto had been.

Lord *Mulgrave* could not restrain the strength and impulse of his feelings, without expressly declaring his heart-felt satisfaction at the vote proposed to their lordships. He felt proudly gratified in thus contributing his portion of applause to an officer endowed with such military talents, skill and bravery as general Graham. He had the happiness of experiencing the benefit of these qualities on the part of the worthy general, when he had his professional assistance on a former important occasion. He cordially concurred in the sentiment of the noble earl opposite (Grey), that the victory in question was gained under circumstances which rendered it equal in glory to any blazoned in the page of English history. He supposed the noble earl alluded to the glorious victory obtained by one of their immortal sovereigns. The gallant officer in question, had neither the choice of his ground nor of his position, as was the case in the ever-memorable action alluded to. His lordship then referred to some of the prominent circumstances of the action at Barrosa, for the purpose of illustrating the great and unqualified applause which was due to the gallant general who commanded. Every corps of the army, and every individual who composed it, seemed influenced by the spirit and intrepidity of their illustrious leader; his glorious example was every where seen, every where felt! It was unnecessary for the noble earl to draw the most favourable attention of his Majesty's government to the transcendant talents and intrepidity of the gallant officer in question. From his own knowledge of the worthy general, no rewards or honours could be too great for his professional merits. He was happy to see the perfect unanimity that prevailed, but could not give a silent vote on an occasion where he felt so strongly.

Lord *Grenville* observed, that what h been enforced by those noble lords w preceded him, left him nothing to add the expressions of approbation and a plause. With the noble earl he agre in the propriety of avoiding topics whi might lead to a difference of sentime He could not avoid on such an occasio referring to those particular circumstanc of the action which rendered its result t more brilliant and glorious; and t more so, when the system of policy whi tended to induce those disadvantages, w considered. With respect to the two ba talions of foreign troops adverted to b the noble earl, as having greatly disti guished themselves, it was a circumstan which afforded him great satisfactio He had never entertained a doubt th foreign troops of any description wha ever, properly disciplined and headed b British officers, would, if time were a lowed for the exertion of their skill an diligence, acquit themselves in action i a way very little inferior, if not equal t British troops themselves. This was a opinion which he had given, and acte upon long ago, and he felt additional gratification in the present confirmation o an opinion so long entertained by him but he had to regret the system was n acted on to a fuller extent. In conclusio his lordship adverted more particularly t the great professional merits of the galla general in question, and lamented that th great merits of one who had displaye such extraordinary zeal, during so lon an interval, in the service of his country should not have been long since brough forward in a way commensurate to hi deserts; and be afforded fair and adequate opportunities for the display o those talents, skill and intrepidity, which on the occasion before their lordships, h had so decidedly evinced.

The Earl of *Buckinghamshire* observed that this victory, which so eminently deserved the thanks of the House, was one o the results of that state of efficiency int which the British army had been brough by the exertions of the illustrious prince who was so long happily at its head.

The motion was agreed to *nem. diss.*—The Earl of Liverpool then moved, " Tha the Thanks of the House be given to brigadier general Dilkes, and the officers o the army serving under lieutenant genera Graham, in the action on the 5th o March. That this House doth highly approve of, and acknowledge, the services of the non-commissioned officers and soldiers employed in the action. That the Lord Chancellor do communicate these resolutions to lieut. general Graham." All which motions were agreed to *nem. diss.*

COMMERCIAL CREDIT BILL.] Earl *Bathurst* moved the second reading of the Commercial Credit Bill. Upon the question that the Bill be committed, the noble earl observed respecting the Bill, that, if the commercial embarrassment arose from overstocked markets, the consequence of excessive speculation, then such a measure could not be advisable; because to hold out that a relief from government would be given to commercial men under such circumstances, would be removing the salutary check that ought to exist upon excessive speculation. The commercial embarrassment, however, which at present existed, was not wholly attributable to that cause. It arose from the circumstances, that returns had been made from South America for the goods sent there in produce, to be sent to the Baltic and the European markets, but which, from the circumstances of the continent, could not be sent there, and were warehoused here. From this circumstance, the merchants, and consequently the manufacturers, had become embarrassed; these goods could not be sold except at a ruinous loss, and in the mean time money was wanted by the merchants to pay the bills which they had accepted. The merchants, therefore, and the manufacturers, required time in order to bring their concerns round again to their natural course, and for this purpose it was that this measure was resorted to.

Lord *King* observed, that the situation of affairs now and in 1793 were extremely different: at that period, the great evil complained of was the want of a circulating medium. Surely no one could now complain of the want of a circulating medium of Bank paper. It was admitted by the noble earl, that a measure of this nature ought not to be resorted to, to cure the evil arising from an over-stocked market through excessive speculation. But if the evil was the want of a market, how such a measure could remedy it did not appear from the speech of the noble earl, and at least it ought to be shewn, before such a measure was resorted to, that the evil was only temporary, and would, in all probability, cease in a certain and no very long period.—The noble lord then asked, what security the public was to have for the sums so advanced; they could only have goods which were at present unsaleable. How could they be judges what bills were good and what not? This was entering upon a duty which those whose profession it was to discount bills, had difficulty enough to discharge, and for which the members of the government were totally unfit. He could not see the necessity of this measure. The Bank of England had of late years issued much larger sums than they had ever before issued; and one of the causes of overtrading was the excessive issue of Bank paper since the renewal of the Bank restrictions. By this facility the old and established houses had been driven out, and the old and general mode of trading departed from. There had been a connection established between the commercial interest and government, not more dangerous to the true principles of trading, than to the principles of the constitution; the West India merchants were in distress, the general merchants were in distress, and being assisted by the government, must be disposed in turn to assist the government.

Viscount *Sidmouth*, adverting to the precedent of 1793, observed, that upon consideration he was inclined to doubt of its wisdom and policy. In 1803, application had been made to him by several merchants who experienced distresses at that period; but he was persuaded it would have been impolitic and ultimately injurious to encourage their application. At the same time, on this occasion, the cases were so different, and the calamity of such a nature, that he could not bring his mind to refuse the relief proposed to be granted. He was not prepared to say the relief would certainly be attended with its desired effect; but it was calculated to do good, and on that account it should not incur his opposition.

The Marquis of *Lansdowne* said that he could not conceive any measure to differ more from that of 1793 than the present. Then a relief became necessary to the internal circulation of the country, while at present that circulation was not in the least affected. There was no want of circulating medium at this moment in the country, and the present distress was such as no circulating medium could remedy. In truth the government could not interfere in the present difficulties without violating all the general and received rules of political economy. The report did not touch upon the real causes of the present difficulties. What were the trivial and collateral circumstances mentioned in the report of the committee, compared with the real difficulties? Could any man hope to see America open to our commerce the year after next? or could any man hope to see the continent of Europe opened in the course of two years? It was stated in the evidence of one of the greatest merchants in this country, sir Francis Baring, that such was the facility in obtaining credit in this country, that even persons in the situation of clerks had no difficulty in obtaining it to any extent. It was stated even by the commissioners themselves, that the great occasion of the difficulty was the accumulation of produce and the total want of vent. Now nothing could establish more clearly than this fact the impolicy of the government, which had prevented the nation who alone could carry that superfluity to the continent of Europe, namely, America, from carrying on that trade, whereby the commodities of our own merchants were a drug in the market. He therefore felt himself warranted in opposing the Bill.

The Earl of *Harrowby*, although he did not approve of the violation of the general principles of political economy, yet the emergency was so urgent, that he thought the extension of this relief likely to produce very important benefits.

The Earl of *Lauderdale* did not see any grounds for departing from the acknowledged principles of political economy on the present occasion. He thought that the man must be bold indeed who, in the present commercial distress, durst oppose the present measure. The reason alleged for the distress in the report was contradicted by the magistrates and merchants of London, who considered that the overtrading to South America was but a very small part of the cause of that distress, and that it was principally to be attributed to the warehousing system. An additional capital could only then add to the calamity. A noble earl had strongly urged the benefit derived from the measure in 1793; but the difficulties then were such as without any legislative interference would have had a favourable termination. To attribute the ensuing prosperity to that measure was like the physician taking credit for a cure which nature would have operated without his assistance.

The Earl of *Ross* observed, that those who speculated excessively before, woul not be the objects of relief from this Bil as they were removed from the power o carrying on those speculations any longe The increase of paper currency had bee mentioned; but he would call their a tention to the state of Ireland in that respect. The noble earl then proceeded t take a view of the issue of Bank pape shewing, contrary to the opinions state in the pamphlets respecting Bullion, tha the rate of exchange against Ireland di not increase in proportion to the increas of paper currency.

Lord *Grenville* rose and addressed th House at considerable length upon th policy of this measure. He adverted t the irregularity of discussion which ha interfered with the natural course of th debate, for he did not perceive how th calculation of the rate of exchange in Ireland was connected with the merits of th Bill upon their lordship's table. It ha been expressed by some noble lords durin this night's debate, that no one, whateve variety of opinion might exist upon th policy of this Bill, would be bold enoug to give his opposition to granting this relief to the distresses of our merchants For himself, he was desirous that he shoul not be included in that general observation. No love of popularity, no dread o public obloquy, should ever intimidat him in the discharge of his parliamentar duty. During the many years of his public life, he had ever been determined t act on all occasions as it seemed best t his own judgment, without any regard t the praise or the censure of the world ever satisfied with the consciousness o having done his duty according to his own notions of rectitude. From these principles, which had at all times actuated his public conduct, he was determined never to depart; and on this occasion he must declare, for one, that he was prepared t give his opposition most decidedly to this Bill. But at the same time, it should be understood, that he was by no means disposed to deny relief to the distresses of the merchants and the manufacturers of this country. No; on the contrary, it was from his wish to afford them relief that he was led to oppose the present measure. The very ground and reason of his opposition was, that instead of this Bill being likely to produce in its effects any relief to the distressed commerce of the country, it was calculated to aggravate all our commercial calamities. Even the very evils alleged by its supporters as the causes of these misfortunes, must, in his judgment, be materially increased, and not lessened, by the remedies proposed. The principles of all commercial and political economy would be departed from, without any of those excuses which, under extraordinary circumstances, might justify such departure. It had been said by a noble friend that he rejoiced to hear this night so many noble lords admit the policy and justice of general principles, and that he was glad to find a general concurrence of that House in their propriety, although they departed from them upon this particular emergency.—On the contrary, he (lord Grenville) was sorry to hear the general admission of just principles in debate, because it seemed the growing habit of the noble lords opposite, to admit every wise and just principle in their speeches; and that seemed in their minds to authorize a decided departure from every thing just and wise in their conduct. It reminded him of the preambles of the edicts of the comptrollers of France; for, in proportion as the preamble breathed sentiments of justice, morality, and benevolence, in the same proportion the laws which were founded upon them contained provisions fraught with injustice, oppression, and wanton cruelty. It would be found, that these preambles were remarkable for their composition, for the sentiments of justice and clemency they expressed; and the laws succeeding them, equally detestable for their oppression and cruelty, exceeding those of every other legislature. Just so the noble lords opposite were continually admitting the justice and expediency of general principles, but it by some means happened, when they assented most to the justice of such principles, it was the precise time when they were violating them most in their practice.

He did not mean hereby to charge the noble lords with a deliberate intention of thus violating these principles, or intentionally devising a measure to injure the true interests of the commercial world; and least of all would he ascribe such intentions to the department in which this measure originated; but, on the contrary, he would give them the credit that they were, on this occasion, actuated by a wish to relieve the mercantile interest of the country. At the same time, either from the urgency of particular calamities, or from causes of another description, it had become their general, and he must add, their preposterous policy to try to avoid permanent evils by means of partial remedies. Could any noble lord venture to say, nay he would defy any rational man to prophesy, that the present distress of the commercial world would be of temporary or short duration?

The precedent of 1793 had been introduced as a maxim for the propriety of adopting the present redress for the distress of the merchants and the manufacturers. With respect to that precedent, as it was termed, he was one of those who were concerned in devising the measure; but as it had been correctly observed, the distress of that period was wholly different from the calamities of the present day: still, however, he must add, that from experience and reflection, he was convinced the measure was founded in wrong policy. As one of those who were concerned in the measure, he was perfectly ready to take upon himself the avowal of his error, for he was afterwards satisfied in his own mind, that, although he had acted from the best of his judgment at the time, the measure of 1793 was unwise and impolitic, as likely to be productive of considerable injuries to the mercantile world. The present discussion was one of those injuries; for he had now seen the danger which resulted, when the proceeding of that year was argued to be a precedent, and thus the trading world would be induced continually to look towards parliament for relief from every misfortune which might arise, from not only casual misfortune, but from failure in speculation. He was glad to hear this night what he had not understood before, that the noble viscount (Sidmouth), when in office at the beginning of the present war, had rejected the applications of many merchants for relief, and that he did so upon the ground of his considering such interference as contrary to the general principles of commercial economy. He honoured the noble viscount for his conduct upon that occasion, and he agreed with him that mature consideration had demonstrated the impolicy of the measure of 1793; but he was considerably surprised to find the noble viscount disposed, notwithstanding, to give his support to the present measure, and yet under doubt and hesitation of its being likely to be successful. It was ever the conviction of his mind that no relief ought to be granted to any class of individuals, but under two particular conditions: First, the relief should be called for and extended upon the principles of justice. Secondly, relief should be granted when the means which could be used would be adequate to obtain the object of redress. If he were to examine the claim for the present relief upon those principles, he should find no existing ground for extending that relief in the mode proposed by the present Bill. Did any man conceive that the means would procure the relief intended? In his own opinion, as he said before, there was no doubt but they would increase the evil. The measure deserved no other appellation than a palliation.

In adverting to the report of the other House, now upon their lordships' table, he could not help noticing the partiality which pervaded it with respect to the assigned causes of this national evil. It was said that the cause was to be traced to the spirit of over-trading, which had induced our merchants to speculate to an extreme to South America. Would their lordships suffer themselves to be persuaded that the whole of our exports to South America, taken *in toto* as loss from a spirit of overtrading, would account for the magnitude and extent of the evil which existed? Sure he was, that the whole of that traffic would bear a comparatively small influence upon the rest of our immense trade. He could not but wonder at such a report ascribing this evil to the overstocking of the South American markets. But did not the Committee recollect that the ports of the continent were shut against our commerce, which alone was a much more considerable cause of distress than the overtrading to the continent of South America? and though they denominated the latter a temporary inconvenience, were they not sensible that the former was an evil of a permanent description? Not one word was, however, said of this evil being the origin of our distress; indeed a noble viscount had that night observed that our trade had suffered from the malignant spirit of our enemy; but he had omitted to name another source, namely, our own policy, which in destroying our amity with the continent of North America, had tended most materially to affect the prosperity of our commerce. The policy of ministers had led to a fatal calamity in the commercial world. When in office, he and his friends had been attacked because they were unwilling to have recourse to measures of retaliation. It was not from any hesitation to oppo the measures of the enemy that the forebore to retaliate, but they abstain from acts of retaliation out of regard f the salvation of the merchant. What the apprehended, the king's ministers ha since experienced to be true, and one pa of their avowed boast had been woefull verified to the cost of the merchant; f this country, to use their own expressio was become the general storehouse an repository for the produce of the worl These triumphant predictions had come t pass, and the consequence of them wa the merchants and manufacturers wer obliged to approach the bar of parliamen with uplifted hands, and implore relief fo that distress which they had incurre through the weak and short sighted polic of the present administration. But sti our exclusion from the continent, or th interruption of our amity with North America, was not, in his judgment, th sole cause of this distress; there was another material source from whence our commercial calamities had arisen. We ha been for some time making efforts to whic our strength was not competent, and whe they would have ceased from principles o limited resources and natural restriction they were still continued by artificia means. Perhaps the great facility of obtaining fictitious capital through the extended issue of bank paper, had led to the evil of the present day. While the Bank of England was not permitted to increase the circulation of their paper currency, the evil was likely to correct itself. But that system of loan, and that facility of credit which he had long known and experienced as injurious to the country's welfare, had continued to increase the issue of bank paper, and to depreciate the circulating medium of the kingdom.

It was thus that fictitious capitals were raised, and unnatural efforts made to extend commerce; and as that commerce became extended, still more paper was unavoidably issued to supply the want of fresh capital. Thus then paper and overtrading reciprocally acted upon each other—the issue of bank paper created a spirit of over-trading—the effects of over-trading rendered a still further issue of paper indispensible—and the consequences of both had been the depreciation of the circulating medium, and the commercial distresses now proposed to be relieved. He was not disposed to impute the smallest blame to the Bank of England: it was a corpoation, and its directors, as its servants, were bound to consider and promote the interest of the bank, but responsible by no obligation of particular duty to the public or to the government. It appeared, however, since this system of policy had been adopted by the government, that the advantages gained by the bank had been immense: their stock having increased in value to the extent of 150*l.* per cent. whilst the stock of nearly every other company or commercial corporation had deteriorated. The public were losers certainly by the gain of the bank; but still it was not to that corporation, which had as much right as any banking house to attend to its interests, that he imputed the blame. It was to the government and even to parliament itself that the censure was particularly due. He would ask their lordships how these six millions of Exchequer Bills granted for the relief of the merchants and manufacturers would operate upon the public? For himself he was of opinion that it would operate in the way of increasing the paper currency, and also by adding to the existing amount of fictitious capital, and thus in both ways it would be found equally injurious from the effect it must have in depreciating the circulating medium. Thus then one of the great evils, which gave birth to this application, would be considerably aggravated; for it was provided by a particular clause in the Bill, that the Exchequer Bills to be issued, should pass into the hands of the bank, which would cause a correspondent issue of bank paper, and enable new speculators to adventure still more upon such fictitious capital. It was his most decided opinion that parliament ought to look the difficulties of the country boldly in the face, and not content themselves with the adoption of partial or palliating measures, as if these difficulties and distresses were likely to be of a short and temporary duration. The war in which the nation was engaged would not probably soon be terminated; nor were the ports of Europe likely to be speedily opened to the commerce of this country. Would it not then have been infinitely better to regard the existing evil in its true light—to look the situation of the country manfully in the face—to resort to such measures as would afford some fair prospect of remedying the evil confessedly existing, rather than to content themselves with the adoption of half measures, in the doubtful and desperate hope, that they may alleviate for the moment the severity of the mischief. His lordship then proceeded to comment upon the impolicy of the orders in council, which he reprobated in strong terms; as by their operation neutrals were prevented from importing into the ports of the continent the manufactures and produce of this country and its colonies, and concluded by declaring his decided opposition to the Bill.

The Earl of *Liverpool* replied to the arguments of the noble lord who had just sat down. He observed, that if the present distress of the commercial world arose from the causes assigned by that noble baron, it was rather extraordinary that it was only a particular class of the mercantile community, that had experienced embarrassment. If the noble baron's opinion were correct, it was not any particular class, but the whole commercial body, that would have been affected. In ordinary times the established principles of trade and commerce should be inviolably observed, and any evils which might happen to arise, should be left to correct themselves in the regular routine of commercial enterprises. But there were moments of extraordinary and unnatural pressure, when it would not only be wise, but must be indispensible to depart from those general principles; when a feeling of humanity, no less than a regard to public interest, called for and authorised the grant of public assistance to the unfortunate sufferers, but most particularly when their embarrassments and distresses may have arisen out of the extraordinary circumstances of the times and the unavoidable difficulties of the country, brought on as they had been by the unparalleled injustice and monstrous measures of an unprincipled enemy.

The Bill was then ordered to be committed.

HOUSE OF COMMONS.

Thursday, March 28.

THANKS TO GENERAL GRAHAM, &C. FOR THE VICTORY AT BARROSA.] The *Chancellor of the Exchequer* rose to submit to the consideration of the House, the motion of which he had given notice.

Lord *Folkestone* spoke to order. He was the last man in the House who would rise to oppose the motion for giving the Thanks of the House to general Graham, who appeared to him eminently entitled to the gratitude of the country, but he rose merely to desire the House to consider the situation in which they were placed, by the new regulation of the Chancellor of the Exchequer. Through that regulation, the right hon. gent. or any minister, had it in his power to prevent any motion being brought forward on a certain day, as on the days on which notices took precedence of orders, he could claim the right of bringing on his motion before any other was made. In the present instance, he did not wish to interpose any obstacle to the thanks of the House being immediately given to general Graham, but he thought it right to call the attention of the House to this effect of the new regulation.

The *Chancellor of the Exchequer* hoped the House would permit him to say a few words on what had fallen from the noble lord. He had not claimed a right of bringing forward his motion before any other of which notice might have been given; but he conceived, that there was a something in that which he had to submit to their consideration, which would preferably engage their attention before any other business which stood fixed for the day. In this opinion he had been justified by the noble lord himself, as he had admitted that there was a something so peculiar in that which he had to bring forward, that he would not interpose any obstacle. Under such circumstances he thought if the regulation alluded to had never been in existence, the noble lord and every other person in that House would have given precedence to such a motion. It would be inconvenient to say more (though much more might be said) on what had been advanced, as it might prevent the question being met with that good-humoured unanimity which he hoped would prevail on the present occasion. In rising to submit to them a Resolution, that the thanks of the House be given to lieut. general Graham, to the officers, and to the gallant army under his command, for the late victory, than which a more brilliant military achievement was not upon record, he was confident he had no opposition to expect. If any difference could arise in any part, it would only be a contest, who should be most loud to express what must be equally felt by all. The task of bringing the subject forward, in devolving upon him, he was sensible had fallen into incompetent hands. From the information of which the House was already in possession, he was convinced their feelings on the subject were so much high than they could be raised by any thi that he could say, that whatever can from him must be found to fall short what was required by the occasion. H could do no more than bring the circum stances of the battle before the House, it was his duty to do. He should not thi it necessary to take up their time, l going into a detail of the movements whic preceded the action. He wished, as muc as possible, to confine himself to that whic was most pre-eminently entitled to the gratitude and applause, because, thoug he thought much wisdom had been di played by general Graham througho the whole of the operation, yet that the might be no chance of a difference of op nion on such an occasion, he was anxiou only to bring that forward on which n difference of opinion could by possibilit exist. He wished only to bring befor them the brilliant exertions of the arm on the day of battle; and he was the mor desirous of doing this, that contemplatin those alone, their splendour should be i no way impaired. Passing over therefor the previous details, he at once shoul come to the 5th of March. The allie army had gained the heights of Barros at 12 o'clock on that day, after a mos fatiguing march of more than 19 miles and after having been 16 hours unde arms. He thought it necessary to stat this, as in consequence of such fatigue the hardships they had to encounter wer the more formidable, and the difficultie which they had to surmount had been increased by their having been bewildered o their way, and misled by their guides A successful attack had been made by a Spanish army under general Lardizabel on the rear of the enemy, near Santi Petri a place about four miles distant from where our army was at that time. It was then thought by the Spanish general (general La Pena), that it was necessary to strengthen the position near the river; and in consequence general Graham was directed to march from Barrosa, through a wood, to Torre de Bermesa, about half way between Barrosa and the Santi Petri river. General Graham accordingly commenced his march towards that place.—Having marched about half way through the wood (a march of considerable difficulty), he learned that the enemy was in force in his rear and on his right flank, approaching to attack him from the heights of Barrosa, which he had just quitted.

The post of Barrosa he had thought was sufficiently defended at the time he had left it, but on receiving this information he immediately counter-marched to support the force which had been left there, and which he had supposed capable of making head against the enemy. When, however, he arrived there, he found the enemy had made an impression, and obliged the troops stationed there to give way. He then perceived the enemy with a force at least double his own in number, ranged upon the heights most conveniently for themselves, and most inconveniently for him. His columns were broken, and his troops somewhat disordered by surprise, and the difficulties which opposed their march through the wood. Placed in this trying situation, General Graham had not been dubious how to act. He did not appear to have had any hesitation. The resources of his mind were equal to the emergency of the case. Without pausing on the subject, he resolved on attacking the enemy. He immediately arranged his artillery, which he placed under the direction of major Duncan. The cannon was brought forward, and a destructive fire was opened on the enemy. He formed his line as well as he could, and the right wing proceeded to attack the division of the French army under the command of general Rufin. The enemy were represented as confidently advancing with great eagerness to the battle, but the troops with whom they had to engage were worthy the general by whom they were commanded, and proved themselves as competent to execute as he was to plan. Their painful marches, their wants, and all their past toils were forgotten—no calculations of the dangers they had to encounter—no considerations of the difference between the two armies palsied their energies for a moment. They immediately made a vigorous attack on the right and left wings of the enemy, and scarcely was that attack made, before success began to shew itself on the side of the English. They had hardly opposed to the enemy what may be truly called "the British weapon," the bayonet, when victory appeared certain; and in less than an hour, the triumph was complete. Within the short space of an hour and a half from the commencement of the action, the enemy, unable longer to dispute the field, were in full retreat. The English were left in possession of every thing that could indubitably prove they were victorious. The six pieces of cannon—the three general officers—the prisoners amounting to between 4 and 500 remaining in our hands, and the two eagles, without one man being missing on our part—were circumstances which must necessarily remove every doubt as to the brilliant character of the victory. That the action was not attended with more continued success was to be ascribed to the excessive fatigue which the British troops had previously endured; and that the complete destruction of the French army was not the consequence of the victory, was to be lamented rather as an instance of ill fortune than as any thing else. That circumstance could by no means detract from the splendour of the triumph. He had now brought before the House the circumstances of the action, and, having done so, it only remained for him to submit the proposition of which he had given notice to the House. Any attempt on his part to excite warmer feelings, would, he was confident, be as idle and vain, as it must be felt to be unnecessary. Under these circumstances therefore he would say no more, but content himself with making his motion. The right hon. gentleman then moved, "That the Thanks of this House be given to lieut. general Thomas Graham, for the distinguished ability displayed by him upon the 5th of March, in the brilliant action on the heights of Barrosa, which terminated in the signal and total defeat of the superior forces of the enemy."

Mr. *Sheridan* felt himself fortunate in rising at that moment to have met the Speaker's eye, as he was earnestly desirous of the honour of seconding the motion which had just been made, and which had been submitted to the house by the right hon. gent. (the Chancellor of the Exchequer) with a degree of perspicuity, energy and feeling, which left little to be said by those who may be most zealously disposed to support his proposition. There was not one in the House, he was sure, but felt the same interest—but was anxious for the same honour. There could be no difference of opinion on such a subject. They must all vie with each other in the zeal, the unanimity, and the cordiality with which they offered their thanks to the brave general and his brave army. If there were any who thought we ought never to have embarked in the conflict in the Peninsula, or at least, that our wisdom and our policy should have limited our assistance to the grant of money and supplies, (which opinion he never entertained)—if there were others, who, after we had involved our faith and honour in the Spanish cause, thought that there was an opportunity in which, consistently with that faith and honour, we could have withdrawn, (which opportunity he could never see)—if there was a third class (and to his regret and surprise there were some of this description whose high authority he much respected) who thought that the British nation could now withhold its aid—from them he differed more than from the other two. But let them think as they might upon those points, they could not possibly differ on the question before them. They must all vie in eager, ardent thanks to the brave general and the army he commanded. He hoped he should not be considered as intrusive, if on this question he intermingled something of his private feelings. He had known general Graham in private life; and never, no never, was there seated a loftier spirit in a braver heart. After many disappointments, borne as that man would bear them whose love of order and his country subdued his own ambition, general Graham at length obtained his long-withheld, long-merited reward. He became a soldier almost by accident, if, indeed, accident could be applied to such a circumstance. In the year 1793, a noble friend of his (Lord Mulgrave) lately at the head of the Admiralty, now at the head of the Ordnance—a friend with whom no difference of public politics ever created a private dissention—had the command at Toulon; and he had declared in his official dispatches that the success against the besiegers, aided as they were by the talents of Buonaparté, was chiefly to be attributed to a private gentleman of the name of Graham. He was not then in the army. With a broken spirit from a domestic affliction, but an undaunted heart, he had rambled through those scenes, by his acquaintance with which he afterwards so essentially benefited our army. From that moment he became a soldier: why did he become a soldier? because he could render a service to his King and country. He then raised two battalions, and afterwards joined the Austrian army. There were few who were unacquainted with the assistance by which he contributed to the fall of Mantua, as with his almost miraculous escape from that city—an escape not effected by any disgrace to his profession or his country—not made as a spy in secret, but openly as a British officer, bearing the uniform his King, and braving the vengeance his enemies. At Malta he acted wit the temporary rank of Brigadier-general and so gallantly did he behave on th service, that General Pigott, who superseded him, declared he had little else t do than receive the surrender of the plac He then served in the Austrian campaig —a campaign, in which wherever dange was to be found, he was its companion He next attended his ever-to-be-lamente friend Moore to the Baltic, and after tha to Spain. In that retreat general Hop general Moore, and many other brave officers, bore witness, that in the hour o peril, Graham was their best adviser—i the day of disaster, Graham was thei surest consolation. (Mr. Sheridan wa here much affected.) The House mus excuse me (said he), but I cannot hel giving way a little to my private feeling amid the praises of my gallant frien (loud cries of hear! hear!). I must giv the House a personal instance of tha virtue which adorns the man, and dignifies the soldier. When he went int Spain, he carried with him the map of hi estate in Scotland; and on that map, th ground his bed, and the camp-cloak hi covering, he planned out future cottages farms, nay villages, for his tenantry a home. Thus, even midst the toils o foreign warfare, this brave man could no for a moment forget the duties of domesti virtue and social tenderness. I have seen myself the memorial of this virtue, and cannot think its recital unconnected with his present panegyric. No: these are th generous motives, these are the noble impulses, which, pouring out the soul in act of private benevolence, in time turn int the stream of public honour, and adorn the valorous ardour of the patriot soldier After the Spanish campaign, general Graham was raised in rank. He was a poor judge of when military honours ought to be conferred, or ought to be withheld; but he could not help at this moment in gratitude recollecting, that the last act of the late Commander in Chief was the restoration of this gallant man to the service. It was the general sentiment of the whole army, that he was the best Commander in Chief they ever had; and this his last act, so far from raising a murmur, or exciting an envious feeling among his fellow-soldiers, gratified them all. He would venture to say, there was not an officer in the service but felt a personal reward in he promotion of Graham. He gave praise o the duke of York, and he did so from his heart, because he thought it due; and after the unwearied attention which he had bestowed upon the army, he could not help saying, that no victory like this could be obtained without reflecting a considerable degree of its glory upon him. With respect to the brave men who had participated in this victory, he felt that the illustrious personage who now held the reins of government would make them his peculiar care. When he said this, he spoke not from an idea that any personal recommendation could sway him so much as his own generous anxiety to distinguish merit; and he was doubly proud in this consciousness, because he well knew his gallant friend could receive no reward from his victory more gratifying than the knowledge that those he had recommended were attended to. He should now conclude with the declaration, that he never in his life seconded a motion with more heartfelt satisfaction than the present.

General *Hope* bore testimony to every thing that had fallen from the right hon. gent., and felt greatly indebted to him for the very able manner in which he had stated it. The right hon. gent. might have added to the other merits of his gallant friend, that to him was to be attributed, in a great measure, the surrender of Malta, and, in that respect, general Piggott did him but justice. He then went to Egypt, where he became the friend of the gallant sir Ralph Abercromby. Sir John Hope, who brought the last accounts from the field of Corunna, reported it to the Commander in Chief, as being the express wish of the gallant sir John Moore in his last moments, that, in the case of general Graham, there might be a departure from the general rule of the army. So far was sir John Moore convinced of the merits of this distinguished officer. The Commander in Chief, therefore, felt himself absolved from all those ties by which the service was in general regulated, and placed him in a situation where his merits might be serviceable to the country. The right hon. gent. had done nothing but justice to the late Commander in Chief, in ascribing to him a great portion of the energy and discipline of our army. He had greatly added to, and encouraged both. But here we owed to the late Commander in Chief, not only the discipline of the troops, but the possession of the commander also.

General *Ferguson* begged leave to express his cordial concurrence in the motion now before the House. The valour and discipline displayed in the action of Barrosa could not be too highly rated. He congratulated the House upon the fresh instance of military conduct evinced by the Portuguese troops in that action, by which they had confirmed the auspicious promises held forth by them in the battle of Busaco. He had, upon a former occasion, expressed his doubts of any beneficial consequences being likely to result from the plan then proposed, respecting the officering and disciplining Portuguese troops. That opinion the subsequent conduct of the Portuguese had changed; and he did not now shrink from avowing that change of opinion, as a duty which he owed to himself as an officer, and to the public.

Lord *Castlereagh,* in terms of suitable eulogium, commented upon the skill and bravery evinced by the General and troops, in the action of Barrosa. In a struggle such as that, in which they were now engaged with a formidable enemy, it was matter of no small encouragement to know, that in the event of any of those critical emergencies which the casualties of war must so often and so unexpectedly bring to pass; it was no small encouragement to be able to rest satisfied, that in such a moment this country might securely rely upon those great energies in her military character, to be found at all times as well in the skill, devotion, and genius of her generals, as in the unconquerable valour and discipline of her armies. In addition to what he felt, in common with every one, upon this subject, he had also great personal satisfaction in knowing, that the honours of that most brilliant achievement devolved upon his friend general Graham, than whom never did man enter his profession with nobler zeal for the service. The peculiar circumstances under which he entered on it, though they debarred him from looking forward to the honours opened to those who proceeded through the more regular gradations, yet never had the slightest effect in damping his military ardour. That ardour burned in his bosom with as bright and as pure a flame when he was but colonel Graham, and expected to die colonel Graham, as it did now, when, happily for the destinies of England, his great military genius had been advanced to a more suitable, because a more elevated and extended sphere of action; amongst the many, he might almost say, the innumerable advantages which the army had derived from the uniform diligence and anxious care for their best interests evinced by his royal highness the late Commander in Chief, there were few for which the country had more reason to be grateful than that act by which his Royal Highness succeeded in obviating the difficulties which stood in the way of general Graham's promotion. The late Commander in Chief had strenuously advised his Majesty to wave the strictness of those regulations in favour of colonel Graham, and his Majesty was accordingly graciously pleased to dispense with those rules, which, though in that instance it had been thought advisable to dispense with, yet were founded in unquestionable wisdom, and generally necessary to the welfare of the army.

Mr. *Fremantle,* after expressing his concurrence in the general expression of approbation at the skill and conduct of the general, and the steady valour and discipline of the army displayed in that action, was proceeding to enter into the question of the policy of the present mode of carrying on the war in Spain, when the House beginning to evince some symptoms of impatience, the hon. gent. said, that, as the temper of the House seemed averse to entering on that subject then, he should not press it, but reserve to himself some other opportunity for delivering his sentiments upon it.

General *Tarleton* highly approved of the motion, and spoke in terms of the most unqualified praise of the promptitude, presence of mind, skill, and valour displayed by general Graham, as well as of the discipline and bravery of his little army. In the abundant stores of British glory he could find nothing of the kind to equal it.

Mr. *Fuller* said, that all parts of the House agreed in attributing no small part of the causes which led to the general successes of our arms to the wise regulations of the late Commander in Chief: if that were so, and he had no doubt that it was, he hoped that his Royal Highness would at last be done justice to; he hoped he should soon hear of his being restored to the high situation he filled so well, and that he would again, and shortly too, be enabled to serve the army and the country as Commander in Chief. He hoped that this was not the country in which an innocent man could be written down, so as never to rise again. As to the preser
motion, there could not be a second op
nion about it. Who was there that mu
not rejoice in giving his vote in favour o
it? For his part, he could frankly owr
that these were just the sort of motion
he liked to hear in that House. Ther
could be no doubt that they would soo
have more of them, and he was sure h
could never tire of them. So far from i
that he wished with all his heart suc
motions could happen every day.

The motion of Thanks to General Gra
ham was then put and carried, *nem. con.*–
The Chancellor of the Exchequer the
moved, "That the Thanks of this Hous
be given to brigadier general Willia
Thomas Dilkes, and the several othe
officers, for their distinguished exertion
on the 5th of March, in the brillian
action on the heights of Barrosa, whic
terminated in the signal and total defea
of the superior forces of the enemy; an
that lieutenant general Graham do signify
the same to them.

"That this House doth highly approv
of and acknowledge the distinguished va
lour and discipline displayed by the non
commissioned officers and private soldier
of the forces serving under the comman
of lieutenant general Graham, in the brilliant victory obtained on the heights o
Barrosa; and that the same be signifie
to them by the commanding officers of th
several corps, who are desired to thank
them for their gallant and exemplary conduct," which were also agreed to, *nem. con*

INFORMATIONS EX OFFICIO FOR LIBEL. Lord *Folkestone* rose and spoke as follows: Mr. Speaker; At any other time
I should have said with the leave of the
House; now after what we have seen this
day, and on former days, I say with the
leave of the minister, I will make the motion which has for some time stood in the
order-book, that motion will be for "An
"Account of all Prosecutions for Libel by
"Information *ex officio* since the 1st of
"January 1801, with all the proceedings
"had thereupon, specifying the dates of
"the publication of the said alleged libels,
"and of all the subsequent proceedings
"had upon each respectively." In calling
the attention of the House to this subject,
I must observe, that in my opinion, it is the
bounden duty of the House to require of the
Law Officers of the Crown the production
of these papers, in order that the House
may distinctly see, whether the privilege

of filing these Informations has or has not been abused. Had this been likely to be the case, there would not have existed any necessity for me to enter at any great length into the subject; but as I am given to understand that an opposition to my motion is intended, I shall proceed to state the reasons which have induced me to bring it forward, and the grounds on which I think it is absolutely incumbent on the House to support it. The extraordinary increase in the number of criminal Informations for Libel, during the last few years, is the principal ground of my troubling the House upon the present occasion. That these Informations have been much more numerous since the Learned Gentleman, the present Attorney General, over the way, came into office, than they were at any equal period at any former time, is a fact that cannot be contradicted. Upon referring to those sources which are open to every one, I find that in the course of the thirty-one years ending with the year 1791, there had been seventy such prosecutions instituted. Of those from 1791 to 1800, I have not obtained any account. From 1801 to 1806 there were fourteen such prosecutions; in 1807 there was not one: whereas, in the years 1808, 1809, and 1810, during all which period the present Attorney General has been in office, there have been no less than forty-two Informations filed; the yearly average of Informations in the former periods being two; in the latter fourteen. (Hear! hear!) This increase some persons may endeavour to account for by the great increase of publications daily sent forth. To such an opinion I cannot subscribe, and I think it must be accounted for on other grounds. However the simple fact that so vast an increase has taken place of late, is, in my mind, a full and sufficient reason to call upon the House to require the production of these Papers. That increase must have arisen from one of two causes—either from an increased propensity on the part of the public press, to offend against the law; or from an increased eagerness on the part of the present Attorney General, to commence such prosecutions. If the former be the fact, the House will do well to consider what the circumstances are which have given rise to this proneness to offend. For it is clear, that it is not true, as is alleged, that the object of the public prints is to propagate mischievous doctrines, and to instil dangerous principles in the minds of the people. The object of these prints is rather to follow than to lead the public feeling. It was lately proved on the trial of the editor of the newspaper called "The Day," who was prosecuted and is now under sentence for a libel, that that very libel was inserted for the purpose of falling in with the popular sentiments, and of thus increasing the sale of the paper. The increase therefore of libels is a proof of an increased disposition on the part of the people to adopt and fall in with these libellous sentiments; and I should then say, that if an inclination, favourable to the propagation of such doctrines, does exist among the people, it becomes the duty of this House to investigate the cause of the discontent; for it is the general bent of the human mind, unless oppressed by great injuries, to remain contented with its situation; and nothing but real and serious injury can raise at once the cry of a whole country. It is, therefore, an object well worthy the attention of Parliament to inquire what are the increased grievances under which the people labour, and which have rendered popular publications that awaken afterwards the vengeance of the law. If, on the other hand, the increase of Criminal Informations has been occasioned by an over-anxiety to prosecute, it will then be proper for the House to call the Attorney General to account for his proceedings, and to make him shew upon his responsibility, on what principle it is, that *ex officio* Informations have been so frequently resorted to. The fact, that prosecutions of this sort have increased exceedingly and alarmingly under the present Attorney General, cannot be denied; and upon this simple fact, I would willingly have rested my case; but as I am given to understand, that the grant of these papers is intended to be refused, it becomes my duty to enter somewhat more into detail. In either case, whether of an increased disposition to offend, or an increased keenness to prosecute, I call upon the House to consider the great and extensive power given to the Attorney General by the privilege of filing Informations *ex officio*. Although that privilege may have been extremely proper, and comparatively harmless, at a period when the Press was circumscribed and confined to a very few persons, yet now, when it is become so very extensive, and so many persons in every part of the country are concerned in the management of it; and when therefore this privilege and power of the Attorney General's attaches upon and affects so many more individuals; it becomes quite a different thing. Those Gentlemen who have not maturely considered the subject, cannot be aware of the immensity of power, which, under the existing state of the law upon this subject, is placed in the hands of the Attorney General, and how he is enabled to vex and to harrass those against whom he is disposed to file his *ex officio* Informations. In all other cases where an individual has to contend with the Crown, he is fortified by the rules and forms of the law, which rules and forms serve as a bar against oppression. In cases of High Treason for instance, cases of the highest importance to the state, the defendant has protection and support infinitely beyond what he has in any case of simple felony; and the reason of the thing I take to be this, not that the life of the sovereign is less fit to be protected by the law than that of any other individual, nor that the person who attempts that life is less an object of abhorrence and vengeance to the law, than a simple felon; but this, that the law contemplated the disadvantage under which an individual laboured, when contending alone against all the power of the Crown—a pigmy contending against the strength of a giant. And therefore the law has fenced the weaker party round with those forms which serve as a protection against the might of his opponent, in the same manner as the forms of this House were devised as the bulwark of a minority, against the influence of an overweening and overwhelming majority. But in cases of Libel, the accused has to contend with the same power, and even in a more formidable shape, and without any of those advantages which are enjoyed in cases of Treason. I say that in cases of libel, this power is in a more formidable shape, because a prosecution for High Treason attracts universal attention, catches the watchfulness of the public eye, and the vigilance of the public will prevent any unfair or unjust treatment. But in cases of Libel, where the crime is comparatively so small, and where the punishment of death cannot be inflicted, the public does not watch all the circumstances with that interest which the former case excites. Just as all public writers always state that a great and glaring act of prerogative is less dangerous to the liberty of a people, than the secret workings of influence; so an individual prosecuted f Libel, deprived of that vigilance of the pu lic eye which, were he tried for his lif would attend and support him; has to co tend with all the power of the Crown, in much more formidable shape than the pe son accused of the crime of High Treaso

But this is not the extent of the evi The Attorney General has it in his powe to file his Informations against whoms ever he pleases. He may go into cour and, on his mere *ipse dixit*, he makes h accusation, and his accusation must be re ceived. In all other cases justice is pro vided for in the outset. When a bill presented to a Grand Jury, the accuse is protected by the oaths of the Jury an of the Witnesses, and unless twelve of th Grand Jury agree to the probability the charge, the accusation is dismisse But, in cases of *ex officio* Information, n oath is necessary; the Attorney Genera may at once file his Information, and th Defendant stands charged with the of fence.

And here, Sir, there is one point tha ought not to be overlooked. It ought no to be forgotten that the Attorney Genera has a personal interest in these prosecutions, in consequence of the fees which he receives. I respect the situation of the learned Gentleman, and I certainly do no mean to impute to him so sordid a motive I cannot bring myself to suppose that the fees have had any influence in the late extraordinary increase of these prosecutions; but arguing generally on the privilege, it must be apparent that an Attorney General may file Informations against every person he thinks fit, and that so far he is interested in multiplying his accusations. I will not ascribe such a principle of action to the learned gentleman opposite, nor to any man who could lay the slightest claim to elevation of mind or dignity of feeling. I am willing to believe, that when he filed these *ex officio* Informations, he was not actuated by any fondness for "*base lucre.*" It is always unjust and ungenerous to fix such a motive upon any man, and in this I am sure the learned gentleman will be ready to coincide with me.

Sir, there is another most important consideration. The Information being filed, there is no limitation as to the time when proceedings shall be commenced. In cases of High Treason, the time is limited to three years. If the prosecution is not instituted within three years nd a day, it falls to the ground; but ith respect to these prosecutions by nformation, there is no limit at all. The node pursued, in this respect, with regard o persons attacked by way of Information, is peculiarly hard, because the whole riminality is confined to the publicity of e Libel at the time of its publication. Now, Sir, it is very possible, that a treaonable plot may be kept secret for three ears; but, if it is not discovered during hat period, and should afterwards be rought to light, the parties implicated annot be punished. But not so as to the me of filing these Informations. Against he Attorney General there is no limitaion: by virtue of his extraordinary priilege, an offence of three, ten, or twenty ears standing may be thus visited; and what increases the hardship is this, that y Statute the accused are compelled to rovide their accusers with the evidence gainst themselves; for by the 39th of the King, the printers and publishers of newsapers are compelled not only to give in heir names to the Stamp Office, but also a opy of each of their papers.

And, Sir, as, on the one hand, there is no imitation of the time in which an Infornation shall be filed; so, on the other, here is no limitation as to the period when he accusation when made shall be brought o trial. The Attorney General may come nto court, and put it off whenever he leases. I believe there is a process by which the accused may force the court to ntertain the question; but, unfortunately, t has been the custom for nearly one hundred years to try such Informations before a Special Jury. The full number of Special Jurors very rarely attend, and as the King alone has in these cases a right to pray a *tales*, the Defendant not having his advantage, and the number of Special Jurymen being always deficient, it is evidently in the power of the Attorney General to postpone the proceedings as long as ever he pleases. (Hear! hear!)

With respect, Sir, to Special Juries themselves, I conceive them to be a very great grievance. I will not enter upon the subject at present, because, on a future day, it is my intention to submit to the House a specific motion upon the subject. I will merely observe, that they were originally intended for quite different purposes, and resorted to in cases of a totally different nature. In cases of public libel, it is peculiarly hard, that the defendant should be tried before a Special Jury. The individuals composing it, are generally selected by an Officer of the Crown, and, in point of fact, most of them are persons connected with the Government Offices, and are therefore liable to an undue influence. Besides it is a matter of desire to be on the list from whom these Special Jurymen are selected, as appears by the publication of sir Richard Phillips, late Sheriff of the City of London, who states that during his Shrievalty he received numerous applications from persons, who for the sake of the emolument derived from serving, are desirous to be put upon the list. Is it therefore unfair to presume, that this situation being thus an object of desire, the hope of retaining it, or the fear of being removed from it, may have some effect on the verdicts they give? that they will willingly forfeit this advantage by a want of compliance with the wishes of those who can appoint them and reject them; and who, be it always observed, is an officer of the Crown. They have accordingly always been made matter of complaint in those who may happen to be tried by them. Moreover the act by which they are regulated, appears to me to be essentially violated in the manner in which they are now conducted. But the impropriety of introducing Special Juries into criminal cases is expressly marked by Statute; the law is jealous of them, and allows them no cognizance of causes affecting life or limb. The Liberty of the Subject is, Sir, no less valuable; and in truth, in some recent instances, the punishment which follows the verdict of these Special Jurymen falls very little short of affecting the life, as well as the liberty, of the person convicted. But, Sir, the grievance does not terminate here: for when a Defendant is brought up for trial, it has been ruled, that he shall not alledge the truth in justification of the supposed offence. That, Sir, is the modern law. In late years it has been determined by the Judges that truth is a libel; yet I could cite some of the best and most learned authorities, within the last hundred years, who held the direct contrary doctrine; and the whole doctrine as it at present stands is absolutely contrary to common sense. The first law relative to slander was enacted in the reign of Edward the first. But the provisions of that act went only to punish tales which were founded in falsehood. And the act of Scandalum Magnatum passed in the reign of Richard the second proceeded upon the same principle. That act was renewed in the reign of Philip and Mary; and again in the first of Elizabeth; and still in the falsehood consisted the whole of the offence. Even at a later period the same principle prevailed. In the case of the Seven Bishops, Mr. Justice Powell stated it as his opinion, that in order to constitute the libel, falsehood was necessary. Lord Chief Justice Holt always held a similar doctrine. And therefore, I must observe that, although it has latterly grown into a principle, that falsehood is not necessary to constitute a libel, yet, according to the enactments of former days, the case was different. I know that now this is the acknowledged law, and that when Mr. Fox's Libel Act was pending in the House of Lords, the Judges gave an unanimous opinion to that effect; and stated that the indictment might run *verus libellus* as well as *falsus libellus*; still, however, the doctrine is of modern date.

Sir; another very great hardship in trials for Libel, is, that the Attorney, whether the Defendant adduces evidence or not, assumes a right to reply. I know not whether this is customary in cases of Information filed in the Court of Exchequer, but I am sure it is not usual in courts of *Nisi Prius*. By this means the Attorney General has a very great advantage. In his opening Speech he may only charge one half of the offence, and, when he comes to reply he may introduce new matter, and thereby influence the verdict in a manner the most fatal to the accused, while there is no power given of answering the charge.—These, Sir, are the hardships sustained by the accused, before and at his trial; and great as these hardships are, they are rendered still more so by the uncertainty of the Law of Libel. The Judges not only differ from each other in the interpretation of the law; but the same Judge differs from himself at different times. The doctrine laid down by Lord Chief Justice Mansfield, in the trial of Mr. Horne in 1777, at Guildhall, and that subsequently promulgated by Mr. Justice Buller, on the trial of the Dean of St. Asaph are totally different. In the former, Lord Mansfield left the alternative of guilty or not guilty on the whole case, to the Jury in the usual way. In the latter, Judge Buller directed the Jury merely to fill up the inuendoes. Parliament felt the necessity of interfering, and the 32nd of the King was in consequence enacted, by which the Jury were
made judges of the law as well as of
fact: the Judge, however, was to st
his opinion of the law at his discretion
the Jury, the same as is done in ot
criminal cases. Sir, I do not concei
however, that the spirit of that Act
been complied with by the Judges; f
in some cases, they have delivered th
opinion in such a manner as almost to fo
it upon the Jury. I wish to speak with
due respect of persons high in judic
office; but I cannot disguise my opin
that in divers cases the judges have tak
upon them to pronounce the law on t
subject in a manner totally inconsist
with the Act of the 32d of the Ki
Further, not only have different Jud
differed on the law on this subject, b
the same Judge has at different times a
on different trials differed from himse
—My lord Ellenborough, on the Tr
of Mr. Cobbett, for a Libel contain
in some letters relative to Irish Affai
stated, "that when the feelings of a
"person began to be wounded, th
"the Libel commenced." But in t
Case of Carr and Hood, the same Jud
said, "that a writer's failings might
"criticised, and that in matters of literatu
"it was for the benefit of the public th
"the works of an author should be ful
"exposed." Now, Sir, I cannot see wh
the feelings of an author should be he
less sacred than those of any other perso
or why those of a statesman should be pa
ticularly spared. On the contrary, th
character of the latter is of that descri
tion, which, more than any other, calls f
exposure, if any impropriety is committe
The measures of a public man, if ba
ought, above any thing else, to underg
the lash of public censure: and if tho
measures are good, they have no reas
to apprehend any serious reproach, seein
that the writers in their own interest, a
always ready to come forward with panegy
rics upon their great talents and merit.—
The hardships, however, of a person sub
jected to this sort of prosecution d
not end here. It is not enough that h
should be made to undergo both befor
and during his trial all the disadvantage
I have been describing—he has still t
undergo the sentence, and that probabl
a most severe one.

In the eye of the law, a Libel, Sir, is onl
a Misdemeanour, punishable with fine
imprisonment, and the pillory. But, i
late instances, it has been visited with
severity, which seems to indicate a desir

depriving the offender of the very
ans of subsistence. Those who fall
ler the lash of the libel law, are
ncipally persons connected with the
blic Press of the Metropolis. But
w, in cases of conviction, they are
t allowed to remain in London, but are
rried off to distant jails. Two indivi-
als, Mr. White and Mr. Hart, the Pro-
etor and Publisher of the Independent
hig, have lately been sentenced to three
ars imprisonment. Perhaps this punish-
ent alone was too much : but to render it
ll more severe, they were removed to
untry jails, at a distance from their friends
d connections. The length of the con-
ement appears to me an outrageous pu-
shment; but it is greatly aggravated by
e circumstance of the mischief and ruin
hich the distance of the jail must inevita-
y bring upon their very means of sub-
tence. The law gave the right to pu-
sh, but not to ruin. And those who
ssed such a sentence must have been
vare that ruin, and almost unavoidable
in, must follow its execution.

There is another person, Mr. Gale Jones,
hose principal support was derived, I be-
eve, from some daily or weekly publica-
on; that person has been sent to a prison,
here, by its regulations, he is deprived
the use of books, ink, or paper.—
nd if this statement is correct, is he not
ereby deprived of the means of subsis-
nce? A more recent case is that of Mr.
innerty: and there are several others to
hich, if necessary, I could call the at-
ntion of the House. And this is not
l, for when the term of imprisonment
as expired, the sentence generally di-
ects, that the party shall find security
r his good behaviour, probably in a
rge sum, and for a number of years.
ow, as it is often difficult to procure
ich security, it has the appearance of a
esire to imprison for life.

Now, Sir, it will be worth while to com-
are the punishments for Libel with those
r other offences. With this view I have
rocured a report of the trials at the last
ld Bailey sessions, and I there find that
everal persons, who were convicted of va-
ious felonies, have been sentenced, some
three months, some to two months, and
thers to only one month's imprisonment.
Ir. Alexander Davison, who was con-
icted of a very great offence, in misapply-
g the public money, was sentenced only
twenty-one months imprisonment! And
man who was lately convicted at the Winchester assizes of a most aggravated assault with intent to commit a rape, and to whom the Judge observed, that had he been capitally indicted, he certainly would have been hung—this man was sentenced to no more than two years imprisonment. He did not receive so much punishment as the man whose only crime was the writing an article, which might be offensive to the Attorney General and the Government of the day.—But, Sir, it may be said that the injured party may redress himself, by bringing a Writ of Error into the House of Lords. But that is really nothing, as it is possible that he might wait a long time before he had his appeal decided. And, in the course of nine or ten years after the termination of his imprisonment, it would afford him very little consolation to be told, that the House of Lords had reversed his Judgment! (Hear! hear!) On these accounts, therefore, on account of the extreme hardship, which attends the defendant in every part of the proceeding, I think the House should watch with extreme jealousy in what manner the privilege of filing these Informations has been exercised. There have not been less than 42 of these Informations filed in the course of the last three years, comprising upwards of seventy persons. And therefore, supposing no alteration had taken place in the law, the House would only do its duty in calling for these Papers. But the law has not remained the same—it has undergone a woful change for those who may happen to fall under the displeasure of the Attorney General. It is not the same law now, that it was three years ago. About that time the Learned Gentleman brought in a Bill to extend regulations lately enacted in cases of Informations for offences against the Revenue Laws to all other Informations. This Bill passed unnoticed through the House. It was introduced under some specious pretence of convenient regulation, and was quite unobserved. I share with others the blame of inattention to this Bill. It passed this House *sub silentio*, and, I believe, without having been ever printed. But in the House of Lords two noblemen exerted themselves against it, but I am sorry to say, unsuccessfully. The Bill was introduced as a mere matter of convenience—as a rule found advantageous in practice—a mere improvement on an Act of the 26th of the King, by which persons resisting the Revenue officers were ordered to find bail, or in default, to be liable to be committed. The

offences stated in the act against the Revenue were serious, and required coercion. But the Attorney General brought in this Bill, whereby the practice was extended to all offences which he might think deserving of prosecution: and thus the liberty of the subject is put completely in the hands of the Attorney General, and every man holds his freedom at the will and pleasure of the Learned Gentleman opposite: who, if he should happen to be displeased with a person's looks, or even his very dress, has only to use his power of filing an Information against him *ex-officio*, and then have him confined or held to bail (which is a confinement) at pleasure. (Hear! hear!) I do not mean to say that the Learned Gentleman has made any such arbitrary or improper use of this power; but it is very evident that an unfair use may be made of it. This act was introduced for the purpose of ameliorating the law. If it has not been acted upon, it ought to be repealed as useless. But if it has been acted upon, and if the number of offences have increased under it, then it ought to be repealed as pernicious. Such, therefore, is the law as it now stands with respect to Informations filed by the Attorney General *ex officio*—such is the power in his hands, and such the means of harrassing and tormenting all his Majesty's subjects. I have further to allege, that the present Attorney General has exercised this great power abusively and partially. Sir, I am not prepared to go the whole length of disputing the legality of these Informations in toto, but I much doubt their legality when exercised in the manner in which it is the fashion to use them at the present day. I will not rely on the *obiter dictum* of Lord Hale on this subject, because the existence and the meaning of that *dictum* is not admitted; nor will I rely on the arguments of Mr. Dunning, Mr. Wedderburne, and Mr. Burke on the subject, who all in this House absolutely denied the existence of any right in the Attorney General to file these Informations: at the same time, I must say, that when I see such grave and great authorities on that side the question, and when I see a minority of 78 Members of this House, on a division supporting those opinions, I think it would rather be presumption in me to feel assured than to doubt on the subject; nor am I convinced by the authorities quoted on the other side. There is Sir Bartholomew Shower's argument which is published in his works, and that is re oned great authority in favour of t practice. Now, in the first place, I m observe on that, that it is at best but ı argument of counsel, and an argum never used. Next I must notice, that t argument was drawn up in answer to c jection urged against what? Informatio *ex officio* by the Attorney General? N The case for which this argument w proposed was the case of an Informati not at the suit of the crown but of an in vidual, for a trespass; and according the whole of the cases quoted in the arg ment are of the same nature. It contai a long and elaborate list of Informatio and carries them up to the time of Edwa 3rd; but out of all these cases I thi there are but two, which appear to be the suit of the crown; one is in the tim of Philip and Mary, and was an Informa tion filed by the then Attorney Gener (Griffin) against Plowden and others, f absenting themselves from their duty parliament. It certainly does not appe that the defendants ever objected to th mode of proceeding, and Mr. Plowde was himself a lawyer of eminence; but think that the case does not appear di tinctly enough to build much upon i The other is a more remarkable one; it that of an Information filed *ex officio* b the Attorney General in Charles the 1st time, in the King's-bench, against sir Joh Elliot, Mr. Hollis, and Mr. Valentine, fo seditious words spoken in this House; an yet it does not appear that they objecte to the proceeding. This is assuredly strong case, inasmuch as the Star-Chambe had been lately abolished; and this proceeding by *ex officio* Information, had bee one of the proceedings complained of i that court; and in this case the defendants were sufficiently keen and eager t take advantage of any thing that migh tell in their favour. But on the othe hand it is to be observed, that they pleade to the jurisdiction of the court altogether and relied upon that plea; and I thin it by no means improbable, that they thought that it might in some degree ten to weaken that plea if they took the othe objection. All the other cases, as I said before, mentioned in Shower's argument relate to Informations at the suit of individuals; and it is evident from the decision of Lord Holt on the case, that the argument was meant to refer wholly to those of that description; for he lays it down that Informations cannot be disputed, and rgues in favour of their existence from e end of the Act of the 18 of Henry 8. or is it quite clear that that Act refers nly to such Informations; for it gives enalties, part to the King, part to the arty, suing in any Court of Record, “by bill, plaint,” &c. wherein “no essoin, wager of law, &c. is allowed,” and ager of law never lay to the king's suit. is clear therefore that both the argu- ent and the decision refer only to Infor- ations at the suit of individuals. How- ver, I said before that I did not dispute he legality of them in *toto*; but simply he legality of such an use as has lately een made of them; and here I have the uthority of Lord Holt again, who in a ubsequent decision on the same cause, xpressly states, that “Informations were “at common law ****. For a crime com- “mitted in York cannot be punished here “by indictment, for it cannot be removed “out of the county, therefore it is only “punishable by Information.” So that if his decision of Lord Holt refers to *ex officio* nformations, it is clearly his opinion, that hey are only good in cases when Indict- ents will not lie; and in conformity to his opinion, is that of Mr. Justice Black- tone, who, on this point, says, “The infor- “mations, that are exhibited in the name “of the King alone, are of two kinds: first, “those which are truly and properly his “own suits, and filed *ex officio* by his own “immediate officer the attorney general; “2ndly, those in which, though the King “is the nominal prosecutor, yet it is at the “relation of some private person or com- “mon informer; and they are filed by the “King's coroner and attorney in the court “of King's bench, usually called the master “of the crown-office, who is for this pur- “pose the standing officer of the public. “The objects of the king's own prosecu- “tions, filed *ex officio* by his own attorney “general, are properly such enormous “misdemeanors, as peculiarly tend to dis- “turb or endanger his government, or to “molest or affront him in the regular dis- “charge of his royal functions. For of- “fences so high and dangerous, in the pu- “nishment or prevention of which a mo- “ment's delay would be fatal, the law has “given to the crown the power of an im- “mediate prosecution, without waiting for “any previous application to any other “tribunal.”

Certainly, Sir, this definition of Mr. Justice Blackstone does not correspond with the dilatory manner in which these Informations have been prosecuted; and upon this, it is, that I would ground the uselessness and illegality of the power. Is the evil such as to require an instantaneous remedy? What is there in it that requires the sudden effort to suppress it. Or if a libel be this ruinous thing, why does the Attorney General put off its trial for six or eight months? Out of the whole 42 Informations filed within the last three years only 16 have been brought to sentence. Two of the accused have been acquitted, two are still unsentenced, ten have never been proceeded against after conviction, eight never tried, one not found, and three are still for bail. Perhaps these ten are to be forgiven like the rest, and that, of course, will be solely attributed to the humane disposition of the Attorney General (Hear, and a laugh!) But, Sir, is it no punishment to have such a prosecution depending over a man's head? Is there nothing in the expence and the perplexity and the harassed mind and the doubts and suspence of the unfortunate person who is thus threatened by the Attorney General as the victim of that species of prosecution, which according to Blackstone, ought only to be had recourse to in cases that are of vital importance to the state? The seventy informations previous to the year 1791 produced fifty convictions; the fourteen previous to the year 1807 produced 13 convictions: but in the last three years, the House will look at the number which have been convicted, and at what has been done in the other cases, and I then leave it to the House to judge of the influence which by this proceeding is given to the Attorney General. Sir, in the 4th and 5th of Will. and Mar. an Act was passed for putting a stop to vexatious Informations. It certainly left the power of filing Information to the Attorney General. There is an express exception in the act in his favour. This, I conceive, is decisive on the one hand of the legality of the proceeding; but on the other, of the improper and vexatious use of it. The object was to put a stop to vexatious Informations; but the legislature never could conceive that a person in the high situation of an Attorney General would use this power for the purpose of vexation, and therefore left it him in order to meet the cases pointed out by Blackstone. Again, Sir, in the time of queen Elizabeth an act was passed against compounding Informations, and in this act too, the Attorney General is exempted from the provisions of the act, and surely for the same reason. Blackstone, speaking of this last mentioned act, says, "The compounding of Informations upon penal "statutes are an offence of an equivalent "nature in criminal causes; and are besides an additional misdemeanor against "public justice, by contributing to make "the laws odious to the people; at once "therefore to discourage malicious Informers, and to provide that offences when "once discovered, should be duly prosecuted, it is enacted, that if any person "informing, under pretence of any penal "law, makes any composition without "leave of the court, or takes any money "or promise from the defendant to excuse "him (which demonstrates his intent in "commencing the prosecution to be merely to serve his own ends and not for the "public good) he shall forfeit 10*l.* shall "stand two hours in the pillory, and shall "be for ever disabled to sue on any popular or penal statute." Now I leave it to the House to judge, whether prosecutions taken up and dropped as I have described, have not been productive of vexation on the one hand, and whether there is not good ground to suspect that they have been most improperly compounded on the other. When the present Chancellor of the Exchequer was Attorney-General, a public writer, a Mr. Peltier, was convicted of a Libel on Buonaparté, and the war soon after breaking out, he was never brought up to judgment; and since that time he has never ceased to be a zealous writer on the side of government. I beg to be understood as not saying that he ought to have been sentenced, or that he ought to have been proceeded against at all. But certainly in this case, there is reason to suspect that there was an understanding and compounding of the Information. And, Sir, it will be found that those who have suffered from the severity of this power, have been persons who have written against that administration of which the learned gentleman himself forms a part. The power has been used for influence, and has not been directed against those who take the part of administration, although it is very evident that they have as few restraints from a feeling of decency and propriety as the writers on the opposite side. Upon what principle of justice, Sir, should the vigilance of the Attorney General be only directed against one party? The learned gentleman, on coming into office, found an information by his predecessor against the proprietor of the Morning Post for a publication tending to create a mutiny among the troops that were then embarking for foreign service. This, if any thing could be, appeared to be a case that called for the vigilance of the Attorney General, as the mischief might have been instantaneous and most serious. But notwithstanding this the learned gentleman opposite entered a Noli Prosequi on the prosecution, and gave as his reason, what was probably a sufficient one, that the printer had given up his author. Not, Sir, that I am by any means disposed to complain of this lenity: but why has it not been followed in other cases? And why did not the Attorney General uniformly act upon the same principle? The libel in the Morning Post appeared first in that paper, and was so far its original production. Besides the editor had given notice that he should defend it, and had so far fathered it. But although Mr. Cobbett on his trial, declared himself the sole author and proprietor of his paper, and declared the printer and publishers, as, in a certain sense, merely his servants, that declaration did not avail them, and they were all punished together. In the case of The Statesman, a paper which has attracted notice by its opposition to Ministers, the Libel for which the editor is now in Newgate, was copied from a Manchester paper, with the name of the author subscribed, and yet Mr. Lovell, the proprietor of the Statesman, has been found guilty and sent to prison; and no proceedings, I believe, have been commenced against the Author, or against the Editors of the Manchester paper.

Sir, there are cases without end upon this subject. The Messrs. Hunts, the proprietors of the Examiner, have been acquitted in Westminster, on the very same Libel for which Mr. Drakard has been found guilty at Lincoln. There may have been the difference of a few words in the two Libels, but I am sure the learned gentleman will not descend to the chicanery of drawing any distinction between them. At Lincoln, Mr. Drakard has been prosecuted for endeavouring to excite mutiny among the soldiers, while the proprietor of a London paper, the Courier, is permitted to go unpunished, after having asserted in so many words, that the soldiery are, every man of them, out of the pale of the British Constitution! (Hear! hear!) Of this partiality it s, Sir, that I complain. At the time that discussions were going on in this House respecting the Duke of York, many Informations were filed against different individuals, which were afterwards withdrawn. As to the matters which those publications contained, it was then, and still continues to be, my opinion, that they were fully proved in evidence at the bar of this House. The Attorney General, however, has thought proper to abstain from the further prosecution of those Libels, and yet the individuals against whom he had filed those Informations were put to great hardships and serious expence, and had no means by which they might obtain redress. When the Attorney General first thought proper to file those Informations, it was on the ground that the holding up the Duke of York to contempt was lowering the respect due to the royal family, and a great offence against the state. The Duke of York was at that time Commander in Chief, part of the ministry, and of course supported the politics of the Learned Gentleman and his friends. At that period great respect was paid his Royal Highness's character; but it seems that that is no longer to be the case, the moment he ceases to espouse the politics of the Learned Gentleman and his friends. In proof of this, Sir, I shall take the liberty to read from a ministerial paper, called, The Courier, some observations made on the 31st of December last upon all the male branches of the royal family, in an article which the writer is pleased to designate by the term of "The College of Princes:" After commenting on this College, they say; "This is a new class, a new estate "starting up to assert a right of giving "an opinion on any great measure in "the contemplation of government. The "College of Princes! Such a college "existed in the Germanic Constitution, "lately laid low; but, now, for the first "time, is heard of in the armies of "Great Britain. **** They must know, "that as Princes, they were nothing but "great babies, with royal corals and "bells, just learning to walk in the paths "of the state; and that by making them "English noblemen, with seats in Parliament, the King breeched them into political manhood. As Prince Ernest and "Prince Adolphus, they are nothing more "than great boys, hardly regarded by the "public, but without power or weight in "the community—pretty creatures for a "Dutchess to have dancing at her ball, "but of no influence in the Government. "To give them this influence they were "made Peers of Parliament. ****** As "English noblemen of the highest rank, "they command respect **** as Princes "they sink back to the character of "great looby boys with toys and rattles. "What evil genius has persuaded them "to drop their parliamentary for their "princely character? To take a step "which, as they knew it would be disregarded, must expose their impotence "and excite derision? Let them act in "Parliament, but let them never be heard "again in their princely collective capacity, if they do not wish to become "obnoxious. The history of the class of "the French Princes is not forgotten."

Now, Sir, I am not complaining that these things are not proceeded against, but I do complain of the partiality which prosecutes for every thing that may be said against the political friends of the minister of the day, but passes over the grossest and most indecent observations which can possibly be made against the highest persons in the community, unless those persons happen to coincide in political opinion with the Government for the time being. The whole of the article I have just read to the House, is so grossly absurd, indecent and abominable, that I do not blame the Attorney General for not prosecuting the Author of it. But I do, and I must blame him for not shewing something like impartiality in his selection of those libels which ought to be proceeded against. I can also state, although it is not now a new case, that it appeared that in the year 1788, libels against two of the royal Dukes who then opposed ministers were actually sent to the newspapers for insertion from the Treasury, and the publisher imprisoned for it. I have before alluded to the two persons sent for three years to distant jails for a libel upon a jury, that is for censuring the verdict of a jury; yet a ministerial paper (The Courier) may abuse with impunity that Jury who thought it their duty to acquit Messrs. Hunt?

Upon the whole, Sir, it appears, that the real rule which guides these prosecutions is this: that the Courier and the other papers which support the Ministers of the day may say whatever they please without the fear of prosecution; whereas the Examiner, The Independent Whig, The Statesman, and papers that take the contrary line, are sure to be prosecuted.

for any expressions that may be offensive to the minister. In directing these observations to the Attorney-General, I have acted merely from the consideration, that he is the Officer properly responsible. I do not know whether he has acted *ex proprio motu*, or whether he has been guided by the opinions of others. It is pretty evident, however, that the gentlemen with whom he is in the habit of acting are all equally biassed on this subject. The present First Lord of the Admiralty, (Mr. Yorke) found out, in the course of the last session, that the Press was intolerably licentious, and complained to this House of a placard reflecting upon him. In consequence of this complaint, the individual against whom it was brought (Mr. Gale Jones) suffered a confinement in Newgate for several months. When the right hon. gentleman brought the complaint forward, he stated that he felt nothing personal on the subject, but had been actuated solely by his regard for the credit and dignity of the House. In the first instance, I gave the right hon. gentleman credit for the assertion; but I am free to confess, that since that time my belief has been greatly shaken. And the circumstance which led to that disbelief on my part, was, that those who felt so keenly the regard that was due to the credit and dignity of the House in one instance, have not felt it incumbent upon them to take the same steps to assert its dignity in other cases which appear to me still more glaring, not only when individuals, but when large bodies of the members have been abused in the grossest and most indecent manner by those papers who support the cause of the present Ministers. The Morning Post, in its observations on the conduct of a Minority in opposing an adjournment, (in which opposition I believe it will now be confessed that they were right) abused in the grossest manner all the members who voted in that minority. It is as follows: "With very few exceptions, there was displayed in both Houses, on this occasion, a most creditable and becoming sympathy, and the conduct of Lord Moira and Mr. Sheridan, who on all occasions of real national importance are ever actively to be found at their post, is entitled to our best commendations. In the House of Lords, notwithstanding some observations from Lords Grenville and Grey, to the justice or necessity of which we can by no means subscribe, the question of adjournment was carried as we have already observed, *nemine di sentiente*; nor would there have been an division in the Commons, where the O position were unwilling to expose tl weakness of their numbers, had not S Francis Burdett, after some reprehens ble and insidious insinuations, relative the exercise of the Executive Powe entrapped Mr. Whitbread and som others, who to hide a still greater sham and wear the semblance of consistenc found themselves compelled to vote wit the mischievous Baronet. We are no however, displeased at the *patriotic* ex pedient to which the *worthy* Sir Franc has thus had recourse, as it serves t shew how contemptible are the numbe of those whose nature is debased by th vile views of faction, and whose unmanl feelings and ungenerous hearts forbid a it were their sympathy, in a case, whic to the everlasting honour of the countr be it related, so deeply interests the bes feelings, and fills with keen solicitud the fond bosoms of a people, who in duly appreciating his virtues, prov themselves deserving of the best Mo narch that ever adorned a Throne."—Such language as this, Sir, is endured in the Morning Post, because that paper i in the habit of lending its support t Ministers, and no one of those member who, upon other occasions, have discovered such a lively regard for the credit and dignity of the House, considered this as a case deserving of their notice. For my own part, Sir, I do not feel at all hurt by such expressions of the Morning Post. Of me, that paper is at all times at liberty to speak in whatever way it pleases. All I ask is, that the Attorney General and those gentlemen who are so tremblingly alive to the heinous nature of libels in some instances, will practise something like impartiality in their selection. If they are actuated by the purest of motives; if their object in the prosecution of libels is solely their regard for the state, a respect for public decency and the preservation *bonorum morum*, how happens it, Sir, that these considerations never affect them but when the person offending differs in politics from the Minister of the day?

I fear, Sir, I have already trespassed too long upon the indulgence of the House. I hope I have said enough to convince the House of the exorbitancy of the power exercised by the Attorney General. I call for the production of the

Papers upon these three distinct grounds: 1st, That even if the law had not been altered, the state of things being altered, the Privilege ought to be investigated: 2ndly, That the law having been altered, inquiry is thereby rendered more necessary, and particularly as the alteration has been introduced by the Attorney General himself: 3dly, That the House may examine whether what I have asserted be true; namely, that the proceeding by Information has been exercised vexatiously and partially. I shall now conclude with moving, "For an Account "of all Prosecutions for Libel by Information *ex officio* since the 1st of January "1801, together with all proceedings had "thereupon, specifying the dates of the "publication of the said alleged Libels, "and of the proceedings had upon each "respectively."

The *Attorney General* rose, and said, that though the noble lord had not expressly called in question the right of the individual holding the office which he had the honour to fill, to institute a criminal process by filing Informations *ex officio*, yet the whole drift and bearing of his argument, and the great object of the motion with which he had concluded, were directed against that right. For himself, he had no hesitation to say, that he would be the last man to contend, that, if an officer in his situation should so far lose sight of his duty, as to act upon the right legally and constitutionally vested in him in a partial manner, or to the injury and oppression of individuals whose political principles might be obnoxious to him, he ought not to be as responsible as if his conduct was wholly illegal. But while admitting the responsibility under which he acted, he trusted, that he should experience the indulgence of the House in repelling the charges which had been thus groundlessly brought against him; and he was confident he should be able to satisfy every hon. member who heard him, that, in the exercise of the power he possessed he had not so misconducted himself as to render it necessary for parliament to interfere, to modify or restrain the power itself.

In the first place, he must remark, that he was persuaded, that the noble lord himself, would do him the justice to acknowledge, that no official impediment had been thrown in his way from any quarter, to prevent his obtaining the fullest information on the subject of his motion. Not only had the noble lord had the access, to which he was entitled, to the records of the office, but instructions had been given to the different officers to facilitate his inquiries, and to save him from the unavoidable embarrassment which the multiplicity of documents might otherwise have occasioned, by directing his attention to those papers particularly, from which he could obtain the most satisfactory information. Under these circumstances and by such official assistance the noble lord had qualified himself to lay before the House an accurate statement of the number of Informations which had been filed *ex officio*, by him (the Attorney-General) during the last three years, from which statement the noble lord inferred, that there was reason to suspect that the power entrusted to him had been improperly used; and that the House was called upon to enter into a further investigation of the subject, for the purpose of ascertaining whether the accusation advanced against him was not founded in fact. Many of the topics in which the noble lord had indulged had no immediate bearing on the subject before the House; although they might be calculated to shew that the ordinary proceedings of the law required correction. If such were the opinion of the noble lord, and if he conceived that the legislature ought to interfere, the subject was one which he should distinctly introduce; but, he must repeat, it had no connection with the present question.

The noble lord had charged him with many acts of harshness and severity towards those offenders, against whom in his official character he had felt it his duty to file criminal Informations. But how, he would ask, had this accusation been borne out by the facts? It was true, that the noble lord asserted that the influence of the crown had been used against those individuals who had been prosecuted for libels; but he desired the noble lord, or any one who had been an observer of his proceedings since his accession to office, to say, that in one single case there had been any exercise of the influence of men in power, to the prejudice of those against whom it had been his duty to institute prosecutions for libel. On the contrary he was confident it would be found, that every prosecution of that nature had been conducted with the greatest lenity. Indeed he was happy to say, because in the declaration was included a just character of the constitution and feelings of the country, that no man standing in his situation—however bold his disposition—however strong his nerves—however wicked his inclination, dare so much abuse the power vested in him, as not to give an offender prosecuted by the crown as great advantages, or greater advantages in his defence than any ordinary criminal possessed. Were any prosecutions so closely watched as those commenced by Attornies-General? Were there any individuals whose conduct excited such careful and curious inquiry, if they exceeded the just limits of their power? Was zeal or ability wanted to detect their errors? Were they even allowed the ordinary excuse of human infirmity for any wrong which they might commit; It had indeed been thrown out by the noble lord, although he had saved him (the Attorney-General) personally from the necessity of repelling the accusation, that the paltry dirty fees of office might be an inducement to those who held the situation of Attorney-General, to prefer proceeding in cases of libel by Information rather than by indictment. He really forgot at that moment whether the fee to an Attorney-General was 6*s.* 8*d.* or 13*s.* 4*d.* but in either case he would not condescend to defend those who might be placed in that situation from the imputation of being influenced by any unworthy considerations of personal emolument, still less by the amount of the fee he had just stated.

With respect to the insinuation thrown out thus generally by the noble lord, he was at no loss to trace the cause, to which he was indebted for the observation that conveyed it.—He was perfectly aware that the noble lord had thrown it out, because on the trial of Cobbett he had imputed to the defendant, that he was influenced by a consideration of the profits of his paper to pursue the course which he had adopted. By no candid mind, however, could the two cases be thought to resemble. A nobleman whose heart beat so high with honourable feeling as that of the noble lord, could hardly think, because in a case of a periodical publication, he (the Attorney-General) had been called on in the discharge of his duty to make the observations which he had made, that, therefore, it was fair to bring the two cases under comparison. Sure he was, that there was no man sitting in that House, and possessed of a liberal sentiment, who would perceive any likeness between them.

Another circumstance of alledged hardship had been much dwelt on and forcibly pressed by the noble lord. The nob lord had stated that these criminal inf mations were made peculiarly the engi of oppression, because no time whi might elapse after the filing of the inf mation could prevent the institution such a prosecution, and, therefore, th whenever a libel had been published, was always open to the Attorney-Gene to prosecute the offender at how con derable a period soever after the co mission of the offence. Now he wou ask whether there was a single member that House, who, on the noble lord making this statement, did not believe th criminal informations had been in t manner described, filed for state libels Was the observation intelligible, unless was intended to imply, that after a lap of time, he (the Attorney-General) had o pressively exercised the power entruste to him for the prosecution of offenders The House would scarcely credit th statement of the fact therefore, that afte a term had elapsed from the public tion of a libel, in no single instance had a information been filed by him against a offender of that description! Offenders other descriptions he might have pro secuted, at periods more distant from th commission of the offence; but, with re spect to the kind of offences alluded to b the noble lord, he had never allowed longer time to intervene between the dis covery of the offence and the filing of th information than what was required for th necessary legal preparation. Let th noble lord bring a direct charge on thi subject, and he pledged himself to mee it;—nay more, to shew to the satisfactio of that House and of the country, that i he had been guilty of any breach of duty in the execution of his office, it was on the side of lenience and not in the exercise o oppression.

Another of the accusations made by the noble lord applied rather to the general administration of the law on the subject than to the execution of the duties of his particular office. The noble lord asserted that, the defendant in a criminal information for a libel had not the privilege of praying a *tales*. But if he had the power of praying a *tales*, the prosecutor would as in other cases always be enabled to withdraw the record; and thus the same effect would be produced. The noble lord had thought proper to descant very largely on the nature of special juries. He had asserted that special jurors were selected

y an officer of the crown—that they
ade interest to serve—that their service
as lucrative, and that they would take
ire not to return a verdict unpalatable to
ie crown, lest they should offend the
ficer who selected, and be rejected by
m on subsequent occasions. The noble
rd however had stated all this without
accurate knowledge of the fact. The
ficer to whom he alluded was no more
nder the controul of the crown than
ie judges were. Would not the House
ippose from the statement of the noble
rd, that this officer was removable at the
leasure of the crown, and that he would
ierefore act under the apprehension of
ispleasing the crown? Yet the fact was,
iat the officer was appointed for life;
hat he had as firm a title to his place as
ie Judges had to their exalted offices;
nd, as he had before observed, that he
as no more under the influence of the
rown than the Judges were. He owed it
the individual now in possession of that
lace to declare, that a more honourable
ian did not exist; and he was persuaded,
iat no one would feel more sensibly, the
nputation that he could be capable of
ealing partially between the crown and
ie person accused. Nor was the noble
rd more correct in saying, that the
pecial Jurors were selected by this officer.
hey were taken from the freeholder's-
ook. It was the duty of the constable
f each parish, to return the names of the
eeholders in that parish; and these se-
eral lists were collected in one book.
he line of conduct pursued by the officer
question was, to let no one know where
e opened the book and began to take
ames, lest that knowledge should lead to
ich contrivances as he was sure from
hat the noble lord had said, he wished
hould be avoided. Opening the book,
ierefore, in different parts, and without
ommunicating any information to either
f the parties, he took 48 names; which
iames were given to the parties, who at-
ended on a future day, and had each al-
ernately the privilege of striking out a
iame, until the number was reduced to
4—This list of 24 names was returned to
he court, and from it 12 individuals were
rawn to try the cause. A more impartial
ourse of proceedings, from first to last,
ould not be conceived; and he trusted,
herefore, that the House would not con-
ider the loose and unfounded assertions
f the noble lord, as a sufficient ground for
cceding to his motion.

With respect to the law and the administration of the law in matters of libel, the noble lord had gone into a long and elaborate statement of a great number of cases which had occurred in courts of justice, and had endeavoured to persuade the House that different judgments had been pronounced by different judges, and even by the same judge in different cases in matters of libel. Into the discussion of this subject it was quite impossible to enter, without a more extensive knowledge, and a more deliberate consideration of the various cases. It was enough for him to say, that this part of the general subject was not before the House, nor did it arise in any way from the alledged undue exercise of his power as attorney-general. This, however, he would declare, that, making every allowance which ought to be made for human infirmity, he was satified that the same steady principle of justice had actuated all the learned judges to whose conduct the noble lord had alluded. Speaking of judgments for libels, which he termed severe beyond measure, the noble lord referred by way of contrast, to the conduct and opinions of lord chief justice Holt. He was satisfied, however, that if the noble lord would look back to the judgment of the court of King's Bench on the offenders of that time, he would find the learned and upright judge whom he had mentioned, expressing his opinion, that the licentiousness of the libellers of his day called for the utmost severity of punishment; and that in fact, his judgments were, to say the least of them, not more lenient than those which the noble lord had so pointedly condemned. He would particularise some of the judgments to which he alluded, were he not anxious not to intrude unnecessarily on the time of the House. He would satisfy himself, therefore, with stating the fact generally, and challenging the noble lord to contradict it if he could.

Amongst the many cases contained in his studious enumeration of what he thought proper to designate as severe sentences, the noble lord had adverted to the sentence of three years imprisonment passed on Hart and White, which the noble lord asserted was for a single libel.—(Lord Folkestone said across the table, that he had observed it was for two libels.)—He did not hear the noble lord say so before. If he did say so, it had escaped his ear. What he had understood him in his speech to have represented was, that the sentence of three years imprisonment had been inflicted on those persons for the publication of a single libel. There were however two libels, and they were of a very gross nature. He was persuaded that those who looked at the libels of which these individuals were convicted—who looked to the conduct of the individuals themselves, and who then reverted to the judgments of the courts, in times which had been called "the good times of the law and of the constitution," would see no ground for accusing the judges of the present day of overstepping their power, or of exercising their authority with rigour. The noble lord indeed had declared that it was a mockery to say, that persons, situated as those were, whose case he had been just considering, might have the benefit of a writ of error; because there was such a long string of cases pending in the House of Lords, that a very considerable time must elapse before that writ of error could be argued. How happened it that the noble lord forgot to accompany this assertion with the statement that the individuals, Messrs. Hart and White, did actually bring a writ of error into the House of Lords; that, being a criminal case, immediate attention was paid to it; that other pending matters were made to give way to it; and that the subject was taken into consideration at the earliest possible opportunity? Surely it was not the object of the noble lord and could not be his wish to intimate, that the criminal law was administered with more severity than it really was. He confessed his wonder therefore, that to the declaration that a writ of error, to persons in the situation of Hart and White, held out the semblance, but not the substance of advantage, the noble lord had not, with the case fresh in his memory, added that that case was an exception to his general remark.

In the course of his speech, the noble lord had most strenuously contended that the situation of offenders of this description was very much aggravated by the Bill which he (the Attorney General) had had the honour to introduce into the House three years ago; and that by that Bill he had assumed the power—not merely of filing informations for libel against whom he pleased—but, having filed such informations, of casting any one of his Majesty's subjects into prison unless he found the bail required for his subsequent appearance.—Now really when the noble lord had asserted this, he for his part supposed it was a slip; and that the nob lord did not mean to convey that whi his words necessarily implied. But wh to this the noble lord added, that by th act of parliament, he (the Attorney G neral) had under his controul the liber of every subject of the realm, again whom he might choose to file a crimin information for libel, he was at leng satisfied there had been no mistake. T House would judge of the fact. The A alluded to gave to the Attorney Gener no such power as that ascribed to it. gave to the judges of the land the pow to be used at discretion (a discretion whic they would of course always exercise wi all due reference to every circumstan of the case), to hold such persons to ba as they might think proper. Instead his having the power to do this witho affidavits (as alleged by the noble lord the judges of the land could not exerci the power but on a case made out befo them by affidavits.

Thus much he had felt it necessary say with respect to the provisions of th Bill and the powers it conferred. He shoul in the next place beg leave to submit a observation or two upon the manner i which these powers had been exercise If the House were to judge from th candid statement of the noble lord the would be led to conclude that the power so reprobated, had been kept in a state unceasing activity, and converted into a engine of intolerable oppression and in justice. What, however, must be th surprise of the House to learn that only single instance of the exercise of this au thority had occurred since the passing the Act. He should state it to the House and leave them to judge of its propriety.

A person, against whom an informatio was pending for a libel, had the audacity while such information was pending an before his trial, to publish a second editio of the same libel. The case was laid be fore Mr. Justice Le Blanc on affidavit Mr. Justice Le Blanc thought fit to hol the person to bail, and he was hel accordingly. While he was on thi subject, he thought it necessary to state that the Act in question gave to the judges of the land no power which wa not vested in a Justice of the Peace, o a Secretary of State, before the passing o the Act. If the noble lord would revert to the reign of the late king, he would find many instances in which Justices of Peace had caused persons charged with seditious libels to be arrested, and bound them over to appear in the Court of King's Bench, there to await the event of any information or indictment against them for the said libels. This was not therefore a new power: it had been before exercised by magistrates of an inferior description. Long indeed before he had brought the Bill into the House—so far back as 1804, it had been introduced by lord Ellenborough in the House of Lords as an Amendment to a Bill from the Commons; and this Amendment had been afterwards withdrawn in the Commons, not from any doubt as to the propriety of the enactment itself, but on an observation from the Chair which related solely to an informality in the mode of proceeding. What he had now stated, he trusted would be fully sufficient to satisfy the House with respect as well to the history as to the merits of this measure, which had been with so much candour and justice converted by the noble lord into a ground of accusation against him.

After having pressed with all the force and ability which so peculiarly distinguish his lordship this general topic which had no bearing on the subject before the House, the noble lord at length came to that which was the point actually under discussion, namely, the supposition that he (the Attorney-General) had unduly and with partiality exercised the authority entrusted to him. The charge distinctly made was, that he had conducted himself oppressively and partially. The noble lord therefore, having produced the number of criminal informations for libel filed by him during the last three years; and having shewn that those informations were more numerous than they had been in the three preceding years, had thence inferred, that there was reason to suspect the power of filing them had been improperly exercised. He wished the House here to observe, that the same opportunities which enabled the noble lord to ascertain the number of informations filed, enabled him also to ascertain the nature of the libels for which they were filed. He was sure that the diligence, the zeal, and the curiosity of mind for which the noble lord was so eminently distinguished must have also induced him to examine the nature of the libels. Not a word, however, did the noble lord say on that subject. He yet thought that the House would not deal so harshly with an officer compelled to exercise such invidious powers as those which it was his duty to exercise, as to conclude, that because the number of informations increased, the informations were necessarily improper. If a greater number of libels were published within a certain period, than during any former period of a similar extent, an Attorney-General would neglect his duty, unless he increased the number of his prosecutions in proportion. The noble lord knew very well, it had been relied on by the person from whom he had borrowed a great part of his accusations—it had been relied on by Hart and White in their defence—it had been relied on by the two Hunts—that publications of a nature similar to theirs had been passed over on former occasions unnoticed. In what a situation therefore was he placed! If he abstained from prosecutions he might be accused of holding out impunity to future offenders; if he prosecuted, he was then charged with unbecoming and oppressive severity. When the noble lord stated that 42 persons had been prosecuted for libels during the last three years, he ought to have added that the number of libels prosecuted, was only 18; several persons having been prosecuted for the same libel copied into different publications. When it was considered that there were 52 different newspapers published in London, some every day, some once a week, some twice a-week, and some three times a-week; and that altogether, near 200 publications were thus issued from the press of the metropolis every week, it would not appear surprising that the necessity of instituting prosecutions for libels should have greatly increased.

Now with respect to the eighteen libels which had been the subject of prosecution, he had to inform the House, that eleven of them had either been proved before a Jury, or judgment on them had been suffered to go by default. On one, the defendant had been acquitted; and he (the Attorney General) had in consequence withdrawn the record of the next on the paper, and had not brought it to trial. Three of the defendants had inserted satisfactory apologies in their newspapers, and he had dropped the prosecutions in consequence. He had filed an information against the author of the Independent Whig, for a libel on the Duke of York, long after the investigation of his royal highness's conduct had terminated: but on a representation that the libel was inserted without the publisher's knowledge

—that he was in infirm health—that the imprisonment he was already enduring pressed heavily upon him—and that an extension of it would be a most grievous suffering, he had consented to drop the prosecution, on a proper apology being made. One case was now pending, but not ripe for trial. In two cases connected with major Hogan's pamphlet, he had dropped the prosecutions, for reasons which, he was persuaded, the House would not condemn. The noble lord had also asserted, that some prosecutions had been dropped because the persons against whom the informations had been filed changed sides in politics. To what the noble lord alluded he sincerely professed that he had not the most remote idea. The assertion was utterly incapable of being answered, because it was utterly unintelligible. He had been charged by the noble lord with proceeding partially in the case of the Morning Post. Having found when he came into office a prosecution pending against the Morning Post for a libel (which libel the noble lord acknowledged he thought would have been better passed over in the first instance), the noble lord asserted that instead of prosecuting he had entered a *noli prosequi.*—This was not the fact; the proceeding had been instituted towards the close of 1806, by his learned friend who preceded him in office. An application had been made to his learned friend, by a friend of the editor of the paper, to stay proceedings on giving up the author. For a considerable time after he (the Attorney General) came into office, he heard nothing of the prosecution. He was then informed by the solicitor for the Transport Board, against which Board the libel had been written, that a Mr. Jevers had been ascertained to be the person who sent the article to the office of the Morning Post. He was also informed that this was not considered sufficient, and that then Mr. Jevers gave up the name of capt. Roach, as the author of the article. He was also informed that capt. Roach was not in England, having been abroad when the prosecution was commenced; of course, this business being connected with the Transport Board, passed under the notice of the counsel for the Admiralty, and the consideration of steps proper to be taken was in fact committed to Mr. Jervis and himself. The advice they gave was, " that it would be proper to defer determining what was fit to be done, until the truth of the allegation should be proved by the result the indictment against captain Roach, the affidavit of Mr. Jevers; and if t prosecution should fail against Capta Roach, then to bring it against the other

This he could assure the House, was t first and the last which he knew of t matter. He had since, however, upon i quiry, learned that captain Roach (wh was a most meritorious officer) had mad a representation to the Transport Boar by which they had been very much so tened, although a difference existed abo a public apology, which capt. Roach de clined to make. Soon after capt. Roac was again sent on foreign service, an there the matter rested for the presen He put it to the House, therefore, whethe he had evinced any partiality in this pro ceeding. Adverting to the sentiments o the noble lord, with respect to the libel i two country papers, and in the Statesma against the Commissioners of the Propert tax, in Lancashire, he observed that h had stayed the prosecution against the two country editors, on their giving up the author of the libel, Collier, against whom a prosecution was now pending: and that he had persevered in the prosecution of Mr. Lovell, because, to the copy of the libel, he had added a most aggravated commentary. He had thus replied to the principal remarks made by the noble lord. The charge against him was, that he had used the power, which was meant only to curb the licentiousness of the press, for the purpose of restraining its liberty. He appealed to the candour of the House, whether there were any symptoms to that effect in the daily and weekly publications that issued from the press? Could they for a moment believe, that any fair discussion of a political, a moral, or a religious subject was suppressed, by any apprehension of a prosecution on his part? He trusted confidently, therefore, that the House would think that the noble lord had not laid a sufficient ground for his motion, and that there was nothing in his conduct which called for the interference of Parliament to alter or restrain the power vested in him, in his official situation.

Sir *Francis Burdett* spoke to the following effect:—Sir, I ought, perhaps, to make an apology to the House for troubling them with any observations of mine, after the very able and convincing statement made by the noble lord, who brought forward this question, and after having eard the very lame, defective, and impoent defence of the learned Attorney Georal, who has just sat down; but although he reasoning of the noble lord stands in eed of no aid, and the weak attempt at indication of the learned gentleman, requires no answer, still a sense of duty ill not permit me to give a silent vote n so important a question.

The hon. and learned gentleman, with hat dexterity peculiar to his profession, of which he is so great an ornament, has y the studied construction of his speech, carefully evaded all the strong points that vould bear against him, and all the maerial parts of this great question. He as cautiously abstained from touching pon any of the leading points urged so orcibly by the noble lord; and by the very mode and conduct of his defence has given strength and validity to the charge.

Sir, I must confess myself greatly disappointed at the course pursued by the learned gentleman; because I did expect from him the benefit of much legal research and investigation; a profound exposition and clear statement of what is called the Law of Libel, and of great constitutional principles involved in this great constitutional question. I am also disappointed, that the right hon. and learned Chancellor of the Exchequer, on the same bench with him, and the rest of the gentlemen of the long robe set forth in full array on this occasion, have not given us the advantage of their great legal acquirements, have not thrown the least ray of light to illumine us in the midst of darkness, or afforded us any information to direct our judgment on a subject of this interesting and momentous nature—a subject concerning which so many doubts are entertained, so much anxiety prevails, and with which the freedom of the press, so essential to the freedom of the country, is so intimately connected.

The noble lord, in the manly, perspicuous, and comprehensive speech, by which he introduced his motion, has placed the question on sound constitutional grounds, and established his case by authority, by law, and by argument; leaving us no alternative, but either palpably to abandon our duty, or to accede to his motion; unless resisted by much more powerful reasons than any that have hitherto been advanced. The manner in which the noble lord has considered this subject, proves the industry with which he has investigated it, and the variety and extent of the information he has obtained. A statement so clear and direct seemed to preclude the possibility of being misunderstood. It is, therefore, the more surprising that the learned gentleman should have represented the noble lord's argument as in no degree tending to question the legality of the power assumed by the Attorney General in filing *Ex Officio* Informations. Nothing can be more erroneous and incorrect, in my humble opinion, than the learned gentleman's misconception and consequent misrepresentation of the argument of the noble lord; who, so far from admitting, as stated by the learned gentleman, the legality of that power so exercised, has so effectually contended, throughout the whole of his speech, that such a proposition cannot, even by implication, be deduced from any part of the argument, still less be founded on any positive admission of the noble lord. On the contrary, the whole force and tenor of all his reasoning went directly to establish the very reverse of this admission, though from that modesty usually accompanying unassuming merit, he contented himself with stating the law of the case doubtingly. But every gentleman who heard him, must have evidently seen, that the impression upon his own mind was decidedly against the legality of this power, which legality the learned gentleman is pleased to state, as having been admitted by the noble lord. As, therefore, the noble lord's argument was so clear and manifest, I did hope that the answer of the learned gentleman would have been equally clear and direct in combating it; and that we should have been favoured with the reasoning of a legal mind, interesting at least from its ingenuity, even though it might not have proved satisfactory and conclusive. So far, however, from gratifying these expectations; so far from meeting the case fairly and broadly, as laid down by the noble lord, both in law and in principle, the learned gentleman, either from misunderstanding or misconstruing the noble lord's statement, has reduced this great question to a very narrow compass, and left wholly unanswered the constitutional part of the argument, as well as the strongest parts of the statement, more immediately directed against himself.

Sir, the whole drift and undisguised design of the noble lord's reasoning was to question that which the Attorney General presumes to have been admitted—namely, the legality of his ill exercised power. The motion was brought forward with no other view than to expose, not merely the abuse of a power which might or might not be unconstitutional, but the existence of an illegal assumption of power, the evils of which had been aggravated by the lengths to which it had been carried, and the gross partiality with which it had been exercised: and yet the learned gent. has not scrupled, at the outset of his speech, confidently to assert, that the legality of *Ex Officio* Informations by Attornies General was assented to by the noble lord. But I maintain, and shall be corrected, if I am mistaken, that the whole tenor of the noble lord's speech went to establish directly the reverse—a speech, from the soundness of its constitutional principles, from its strength of argument and fact, well deserving the serious attention of the public, and requiring a very different answer from that which it has received.

The learned gent. appeared to be exceedingly angry at being suspected of being interested in his fees of office, though the noble lord had studiously disclaimed fixing upon him any such imputation; and undoubtedly in his career of ambition the actual fees are but a very secondary consideration. But that we can, therefore, deduce the purity, the disinterestedness, and the absence of motives of filthy base lucre, or of improper bias on the mind of the Attorney-General, is a proposition too ridiculous for a moment to admit. Unquestionably, 6*s.* 8*d.* and 13*s.* 4*d.* fees are much beneath the notice of a gentleman looking to all the wealth and honour the crown has in its power to bestow. But how one can suppose the motives, instigated by filthy lucre, are weak in proportion as the temptation is strong, or that the bias arising from the hope of immeasurable gain should be less powerful than that arising from the comparatively trifling consideration of fees, is to me quite incomprehensible.

The Attorney General is the last man who, in my opinion, ought to be entrusted with great, or with any discretionary power, and ought to be the first and the most anxious to lay it down and relieve himself from a task, impossible to execute with credit and reputation. The situation of an Attorney-General called upon to act according to the modern practice and doctrines respecting Libel, is, it must be allowed, embarrassing in the extreme: for it is impossible for him to discharge wh his employers will consider as his dut without the laws under his inspectio being, in some instances, shamefully r laxed, and in others violently stretche beyond their tone. And to this charge gross partiality in the exercise of his illegally assumed functions, in filing *Ex Officio* Informations against those writers hostile to his administration, and withdrawin them when filed against those supportin his administration—thus aggravating th hardships of those who suffer by the impunity of those whom he permits to escape, and adding to the insecurity of al by the uncertainty and capricious exercise of this illegal and unconstitutiona power—to this most important part of th charge against him, the learned gent. has with lawyer-like skill, evaded making any reply. Thus has the learned gent. passed over altogether those points upon which he was seriously attacked, and has exhausted all his powers of defence in rebutting charges which never were urged against him. The learned gent. has thought proper to suppose, that the noble lord had charged him with not having instituted his prosecutions *Ex Officio* within a reasonable time after the commission of the supposed offence. No such charge was however, made by the noble lord, though the learned gent. has employed a great part of his speech in uselessly defending himself against it.

The question, as it has been argued by the noble lord, is two-fold:—1st, as to the legality of the power claimed by the Attorney General of filing *Ex Officio* Informations for libel:—and 2dly, as to the abuse of that power in the hands of the present Attorney General. The abuse I take to have been clearly established by the noble lord, because not attempted to be disproved, nor even touched upon by the learned gent. in his defence; nor that inquiry agreed to be consented to, which has been moved by the noble lord, and which alone could vindicate the character of the learned gent. if he was conscious of being free from blame. I defy any man to collect from the gentleman's defence to the charge brought against him, a single reason to justify, or even to palliate (for it cannot be justified) the manner in which indulgence has been dealt out to some, whilst others have been visited with a vindictive rigour unparalleled in the history of this country since the revolution. This, I repeat, the learned gent. has not at-

mpted to answer. He has been equally
ent with respect to many other import-
t topics dwelt upon by the noble lord,
pecially that part of the able argument
the noble lord on the general question
what is miscalled the Law of Libel.
his the learned gentleman affected to
ink not necessarily connected with the
harge against himself, and has chosen to
nsider as unquestioned by the noble
rd. It is, however, so much the most
aterial part of the question now under
nsideration, and that to which the
arned gent. has confined himself so com-
aratively unimportant, that I cannot con-
nt thus to pass it over in silence, not-
ithstanding the presence of so many
rofessional gentlemen, from whose num-
ers one might expect to derive some ad-
antage upon such a question. As these
arned gentlemen do not appear inclined
afford us any assistance upon the pre-
nt occasion, one may, from their silence
erhaps, not unjustifiably suspect, that
ey have nothing to advance in favour
f the learned gent. and of his practice,
r, which is in fact the case, that there is
o law whatever on the subject. We,
owever, are bound not to omit consider-
g the whole of this question; nor can
e separate either part from the other, if
e mean to come to any decision satis-
actory to the feelings of the public.

The noble lord has manifestly shewn,
hat the supposed offence called Libel, and
hat is called the law upon the subject,
ut what I shall call the practice, is of
self novel in its nature, borrowed from
he worst periods of our history, and hos-
ile to every principle of the constitution—
n short, that the methods of procedure,
djudication, and punishments for libel,
re the growth of tyranny and usurpa-
ion; and whilst these doctrines are sus-
eptible of the capricious interpretations
which every day exemplifies, and the At-
orney General exercises as capriciously,
he discretionary and unconstitutional
ower claimed by him *Ex Officio*, it is a
arce to talk of the Liberty of the Press.
A most wretched slavery is uncertain law,
nd I challenge all the lawyers in Eng-
and to define the law, as it is improperly
alled, of libel: and under the present
ncertainty and amidst the contradicting
icta, diametrically opposite to one an-
other, of the greatest judges, and even of
he same judges on different occasions,
n this sea of uncertainty and contrariety
f opinion, how can any writer guess
even when he is or is not writing a libel? Words which he may think the most innocent and inoffensive, may happen to be most irritating to the feelings of some susceptible person; or the Attorney General may differ in opinion with the author, who, if he does, is sure to be severely punished, even without trial, to the extent of fine and imprisonment. For by the new bill empowering the Attorney General to hold to bail, or in other words to imprison, and of the sufficiency of which bail he is to be the judge, by these powers an information filed *Ex Officio* subjects every man who writes to heavy expence and imprisonment, at the will of the Attorney General, who, after all, may not think fit to bring him to trial—may keep the *Ex Officio* Information suspended over his head as long as he pleases, and let it fall and crush him whenever he pleases; which by means of a Special Jury he can hardly doubt of being able to effect. If the unfortunate author makes an humble submission, and especially if he places himself at mercy by letting judgment go by default, the Attorney General may, if he is in a lenient mood, never call him up for a judgment; or, calling him up for judgment, may mitigate his punishment. These operations may be repeated at the varying and wayward will of the Attorney General: and by this tenure every writer in England holds his liberty.

In order, therefore, to get rid of all these grievances and shackles on the press, and considering it as a commencement of a course of proceeding to remove all doubts and uncertainties, and set the question at rest, I consider this motion as of the utmost importance. That there is some difficulty in the subject, I am ready to admit; but there ought to be some definite and fixed standard of whatever is denominated an offence: and, that the course of proceeding for the punishment of that offence ought to be legal, constitutional, and consistent with the safety and liberty of the subject, is, I think, what no one will deny. That this is not the case, the different doctrines held by different judges of equal authority, and by the same judges at different times, evidently prove; and it is become the imperious duty of the legislature to get rid of this oppressive anomaly by restoring the consistency of the law. Can it be endured, Sir, that the personal right, the liberty and property of the subject, should be thus left at the mercy of the King's Attorney General, under the operation of a practice, so arbitrary, fluctuating, and uncertain as is denominated, the Law of Libel, under the lash of which there is no publication which may not be brought by loose construction, supported by some former precedent, or even without construction or precedent, to a dreadful extent by the fiat of the Attorney General.

But let us take a short retrospect of the conflicting authorities upon this subject. My lord Coke, who makes the first mention of this term Libel, in his 5th report *de libellis famosis,* in the Star Chamber; which court appears to have considered it sufficient for one person to be answerable for one offence (contrary to the modern practice of punishing numbers, however ignorant or innocent of having been concerned in any thing which rendered them liable to punishment). My lord Coke, in the case Lake *versus* Hatton, considered truth as a justification of libel; which lord chief justice Popham (no mean authority) denied. Judge Foster, in the case of Warner *versus* Ellison, maintained the same doctrine with my lord Coke. Judge Windham, however, was of a contrary opinion, and agreed in doctrine with Chief Justice Popham, but carried it farther: being of opinion, that any thing was a libel by which another was injured. In the case of the Seven Bishops, Judges Powel and Holloway were of opinion, that to make any thing a libel, it ought to be proved false and malicious. Mr. Justice Allybone considered any thing, a libel written upon politics without the leave of the government; and the Attorney and Solicitor General went so far as to assert the honestest paper might be a libel, if written without leave. Chief Justice Holt considered truth as a justification; at least in the cases of Twitching and Fuller, he asked, if they could prove the truth of their writing, desired them to call their witnesses, and tells them if they write such things they must prove them at their peril. In Carr's trial, the judges held any political discussion, unlicenced, to be a libel. In the famous case of Zenger, the doctrine of resistance to tyrannical government was prosecuted as a libel. He was prosecuted for preaching the doctrine of the resistance to tyrannical government, and doctor Sacheverel for preaching the doctrine of non-resistance. In the case referred to by the noble lord, of Hollis, Elliot and others, in the time of Charles the first, he omitted what makes most powerfully for his argument, namely, That their counsel then insisted against the A torney General, that though the crime th were charged with was punishable, yet h had no right to proceed by *Ex Officio* In formation; but only by indictment o presentment. The Attorney General r plied, there were many precedents, b produced none; and sir Francis Winning ton, in that argument to which that of s Bartholomew Shower's was an intended answer, gives positive testimony t Lord Chief Justice Hale's opinion of *E Officio* Informations; which was, that ever they came into dispute, they coul not stand. The House will observe th contrary opinions entertained by hig legal authorities on this subject: the pre ponderance, however, of great professiona eminence and constitutional characte is greatly in favour of truth being justification in cases of libel.

In modern times, however, the othe doctrine, with more whimsical distinctions have been asserted and maintained. Th more reasonable principles of Coke an Holt are now wholly exploded, and so fa has the practice deviated from the rule and notions of those able and learne lawyers, that it has, I understand, been laid down from the bench, in a late instance, as a principle of modern practice in cases of libel, that any publication which had a tendency to hurt the feelings of persons in high stations, was a libel, and brought the person so offending under the dreadful penalties of this practice. If this be law, how can any man write in safety? So long as a writer flatters the vanity and defends the conduct of men in power, he may no doubt publish without apprehension. He may celebrate their virtues, their wisdom, their disinterestedness, and may varnish over detected delinquencies, with an unsparing hand: he may also indulge in the most rancorous feelings and grossest scurrility against their opponents. This is a liberty of the press he may freely indulge in, but let him beware of discussing measures which he must condemn; as he will inevitably come under this new doctrine of the law of libel, by hurting the feelings of their authors in high stations, whose feelings will unquestionably be susceptible of offence, in proportion as their measures are open to reprehension.

Sir, we have been referred for proofs of the legality of this power, exercised by the Attorney General *Ex Officio*, to the intended argument, but never delivered, of Sir Barthlemy Shower, which argument, however, beg leave to observe, has nothing to do with this question. The whole of that argument was addressed to a totally different question, which was, whether, on application to the court of King's Bench, an information not *Ex Officio*, but by the court, could be granted, though founded in the oath of the parties, and proceeding according to all the usual forms in the case of a trespass. It was contended on the one hand, that the court had not power to grant such an information, though founded on the oath of the party demanding it; for that no man was liable to be put on his trial for any offence, except by the old constitutional mode of indictment. That the court had such a power is maintained, not successfully, I think, in the argument of sir Bartholomew Shower. It is sufficient to state this case to shew how little it can have to do with the legality of informations *Ex Officio* filed by the Attorney General for libel. If it was contested, as it was successfully by sir Francis Winnington, that these informations by the court, sued out according to the usual forms and upon the oath of the party, if this power in the court was disputed and is still disputable, what are we to think of the legality of informations filed *Ex Officio* at the discretion of the Attorney General, without the intervention of the authority of the court, and unfettered by any limitations or forms? In truth this practice is contrary to all law. Lord Coke, in his second Institute, lays it down positively, that no man can be attached in his person except by an indictment or presentment of good and lawful men upon their oaths. The courts, indeed, have adopted a practice in smaller offences, such as informations for nuisances, which, upon the maxim "de minimis non curat lex," has not been violently though it has been frequently objected to. But in matters concerning the safety of the subject, care has been taken to provide the guard and shield of a grand jury previous to trial. For the law says, "Nullus liber homo capiatur," no free man can be taken. It does not content itself with saying cannot be tried, but cannot be taken, without the previous sanction of his country. In the case of libel, the subject stands in need of the whole armour of the constitution. He is as much exposed, and to the attacks of the same unequal power, as is well stated by my lord Erskine, as in cases of high treason; and I defy all the lawyers in England to controvert that irresistible argument of lord Erskine's upon this most important constitutional question.

There is another practice connected with this subject insisted upon by the noble lord who brought forward this motion, and not touched upon by the learned gent. in his reply, which is in my mind the most detestable feature in this most detestable practice. I mean that most tyrannical, illegal power assumed of sending men to distant gaols and to solitary confinement, and to close custody, which the law of England abhors, and which was one of the practices principally complained of in the time, of the Stuarts. The learned gent. has said that he was never disinclined to be lenient whenever he offered or manifested contrition for his offence and made a proper apology; in other words, if the party should cease contumaciously, as the learned gent. would call it, to write and to publish freely his opinions, and restrain his animadversions upon the political friends of the learned gent. Such an apology and such pusillanimous desertion of truth and honesty, might, probably, disarm the resentment of the learned gent. but in what a condition, on this shewing of the learned gent. is the liberty of the press, and how does this controvert the charge brought against him by the noble lord, of having exercised his power with partiality, of having oppressively used it against his contumacious opponents, and shewn not a disposition to moderation, lenity or humanity, of which he has talked so much—but a disposition to make an unjustifiable use of the power he assumes to destroy free discussion and the consitutional liberty of the press.

It can scarcely be necessary to remind the House that the term 'libel,' as the designation of an offence, is altogether unknown to the old law of the land; that in fact it does not designate any offence; that in fact it is in itself no offence, and that other words must be added, such as "false and malicious," to constitute it one. In all other technical terms importing crime, guilt is implied, and the mind informed of the nature of the guilt by the nature of the technical expression; as for instance, murder implies a malicious premeditated killing, so burglary a forcible entrance with a felonious intent; so larceny and all other terms respecting crimes, all of which are clear and unambiguous and definite, except in this new-fangled term libel. the date of the adoption of which into the catalogue of offences is to be traced to the proceedings of the Star Chamber, a court, it is worth observing, honorable and salutary in its original institution, and long maintaining its character for wisdom and justice, as long as it confined itself to its proper objects of controuling and punishing public oppressors and great state delinquents, who were thought to be above the reach of the ordinary course of the law: and though it has since had affixed to it the appellation of the infamous court of Star Chamber, that infamy it drew upon itself, that very process 'de libellis famosis,' those very doctrines and practices upon *Ex Officio* Informations by the Attorney General, which are now complained of as continuing to be exercised by the court of King's Bench. This was the source, the fountain, and the life of this hopeful progeny of arbitrary prosecutions and cruel and unusual punishments: but even this tribunal, arbitrary, oppressive, and unprincipled as it was, admitted truth to be pleaded in justification; did not reach to the practice of modern times, or declare the greater the truth the greater the libel. That court, too, adopted, as I have before shewn, the common law principle of considering the punishment of one offender sufficient satisfaction to the law for one offence. In that court the giving up of the author of a libel was allowed to exonerate all other parties from penal responsibility; and it was only when the author could not be ascertained, that any other party was held accountable.

In how favourable a light, by this comparison, does the much abused Star-Chamber appear, when, according to the practice of modern times, truth so far from being a justification, is in some cases held to be an aggravation of the offence, and the vengeance of the prosecutor no longer terminates with the punishment of the author, but extends to every individual connected with the publication, however, guiltless of any malicious or calumnious intention, or incapable of surmising any opinion of its actual or constructive tendency.

It is useless for me or for any one, at this time of day, to indulge in accusations against the Star Chamber. Every man who knows any thing of the history of the country is well acquainted with its usurpations and the causes of its abolition, and will be able to draw a just conclusion of its proceedings and of those of the established courts.

In libel cases in more modern times the court of King's Bench has assumed this nvidious jurisdiction, and the Attorn General continued therein to exercise t unconstitutional power. The court King's Bench is a common law court, a ought to be bound by the maxims a governed by the mild spirit of the comm law. An offence, therefore, unknown the common law, and a mode of procee ing originating only in the Star-Chamb cannot fall within its jurisdiction, or, be fair mode of legal proceeding. A as, in point of fact, we find it is by monstrous fiction of law, that what a termed libels are brought within its leg cognizance, its jurisdiction under whi come all those actions, denominated crim and those only, is, strictly, speaking co fined to offences amounting to a brea of the King's peace: but libels, whi are mere words, or at most signs, cons tute no actual breach of the peace. Th are obliged, however, to have recourse this notable fiction: and yet it is but t shadow of a fiction, for their pretence that it tends to a breach of the peace therefore it is no actual breach of t peace, and therefore no crime within the jurisdiction.

In order, however, to give a colour take any cognizance of it at all, the o indictments were laid *vi et armis*: for su was the mild nature of the ancient la that it would not recognize any act amounting to a crime, unattended wi force and violence. It was also laid be false and malicious. These wor have, by degrees, been dropped in the i dictment, as inconvenient to be prove It is really curious to observe the whole this anomalous proceeding with respe to libel, the various shape which it a sumes according to the interests of th prosecuting parties. It is not a crime is and is not a misdemeanor, just as suits the immediate object in view: b this ambiguity however it is, that the judg and the Attorney General get hold of i like the two thieves in the fable; on says, I did not take it, the other says I have not got it. The judge says, i it is a crime or I have no jurisdiction the Attorney General says, it is not a crim or I have no *Ex Officio* Information, it is misdemeanor. Now, a misdemeanor mean that small species of offence which th term obviously implies, a misbehaviour on which it might be allowed for a coun to animadvert and correct in that gentl manner appropriate to so small an offence without the subject feeling it so heavy grievance as to surround himself, or to demand what he is strictly entitled to, the intervention of a grand jury of the country. As a misdemeanor, therefore, the Attorney General proceeds by information, but when so brought into court, the offence unknown to the law, indefinite and undefinable, immediately assumes a very different appearance, and becomes, according to Judges and Attorney Generals, a crime of the most heinous nature. By this trick and contrivance is the subject compelled, upon a false pretence, to answer as to a criminal charge, stripped of the protection provided for him on such occasions by the constitution and the law; deprived of the advantage of preliminary process, of his undoubted birthright, a grand jury of his country. The Great Charter says, no man shall be taken, any more than tried, unless *per judicium parium*, by a jury of his country: but the learned gentleman says, by the new act it is in the discretion of the judge to grant or refuse his holding to bail in the first instance, and consequently there can be no danger of abuse; but the Great Charter holds a different language, and is clear and explicit on the point. It leaves no room for discretion; and I shall never consent to transfer the care of the rights and liberties of the people from the protection of the law to the discretion of any man.

But is it not only by being deprived of the intervention of a grand jury, that the subject is injuriously affected by these *Ex Officio* Informations; he is equally harrassed by the uncertainty of the charge, and the indefinite character of the offence: having been accused for a misdemeanor, and by that means brought under the operation of an Information *Ex Officio*, that he is brought before the court for a misbehaviour is wholly forgotten, and punishment inflicted on him as for a crime of the most enormous kind. The cruelty and vexation of *Ex Officio* Informations is indeed boundless. The individual against whom it is filed, may be absolutely ignorant of having committed any offence; he goes to trial without any of the advantages which are not denied even to the greatest criminals, and is liable to be punished with a severity with which the greatest are seldom visited; and in short may be said to be placed wholly at the mercy of an interested prosecutor in every stage of the proceeding; all and every part of which is entirely under the controul of his arbitrary will. By this oppressive instrument *Ex Officio*, he may accuse whomsoever he pleases, whensoever he pleases, and whatsoever he pleases, and may bring to trial or not, as he pleases. He may renew the danger, anxiety and expence of preparing a defence as often as he pleases; he may thus fine *ad infinitum*, and ruin without ever being obliged to attempt to prove the truth of his allegation. Every term he may file his *Ex Officio* Information, so that he may literally ruin any man without coming to any trial at all. In case he chooses to proceed to trial, he claims powers equally oppressive and unfair in the conduct of it. He chooses the nature of his jury, of course a special jury, and supposing a sufficient number of special jurymen are not in attendance, he prays a tales, or not, as he pleases, and claims a right, as in every other step of this proceeding, to repeat it as often as he pleases, even after the jury are complete; for any reason, no matter what, he claims a right, previous to coming to a verdict, of withdrawing a juryman, and still putting off the trial, which also he may recommence whenever it suits his purpose; he claims the unfair advantage denied to every one else, of replying upon the defence, when no witnesses have been called. The same oppression and injustice accompany him throughout: for after having obtained a verdict and prayed the severest sentence of the law, even after sentence, he assumes and exercises the oppressive and illegal power of aggravating the punishment, by choosing the sort of gaol and mode of imprisonment; so that the same sentence is by no means the same punishment. Imprisonment in a distant gaol, where solitary confinement is the rule, is very different to an imprisonment in a constitutional gaol, free from every restraint not necessary to the safe detention of the prisoner.

There is, indeed, no end of the vexations and hardships to which the subject is liable, under this libel practice, by means of this unconstitutional, illegal *Ex Officio* proceeding. It is not necessary for me on this occasion to prove that the present Attorney General does actually inflict all these vexations on every occasion: it is fully sufficient for my argument, that he may and does exercise, according to his own discretion, more or less of such scandalous power. Can the press be called free in a country where such a power of fine and imprisonment is exerted at the discretion of any individual? where the subject is exposed to such arbitrary methods, for as arbitrary an offence; an offence created by construction alone, and wholly undefined by law; where a writer wishing to avoid, but not knowing what is or is not libel, may consult the opinion of the most eminent of the learned profession both ancient and modern, and find that no two of them can agree upon the subject; is this a state in which the subject or the law should be suffered to remain? We have been told by the learned gent. to night, that there is no hardship in the case, and no cause for any inquiry; that nothing can be so fair, lenient, merciful and forbearing as this libel process; that the Attorney General is a pattern of conscientious candour, the master of the Crown-office of unbiassed impartiality in selecting jurors, and special juries themselves the best adapted contrivance for upright and fair decision in cases of political libels. Without meaning to impute any thing improper personally to the actual Master of the Crown-office, of whom I know nothing, I cannot however consider his connections in general, his situation and office, and with the Attorney General in particular, being according to sir Bartholomew Shower, now relied upon as a great authority, the official deputy of the Attorney General himself. I must confess, whatever may be the merits of the individual, I cannot, under all these circumstances, regard such an officer so situated, as likely to be the most disinterested, and therefore the most proper to select special jurymen and return pannels, where the crown is ostensibly held forth as a party, but where the administration is really interested, of which administration the Attorney General is principal, is the *Ex Officio* prosecutor, and by far the most interested member of the whole administration, in support of which these *Ex Officio* Informations are filed. Upon this subject, however, of appointing special jurymen, I can speak with positive certainty, having had an opportunity of knowing by my own experience, the method and management of this curious business. I had before had much information, but not practical knowledge on the subject, but in consequence of that action which in defence of the law and in duty to the country I brought against you, Sir, and with great reluctance as far as you were personally concerned, from motives of a private nature, which you, Sir, will wel understand, though not proper perhaps t mention here, and from those of a publi kind, from having witnessed the talent an ability with which you have executed th high and difficult duties of your station and in which you have on several trying occasions supported, as far as depended on you, the character of this House. The proceedings I instituted upon that occasion, were not therefore against the individual, but against the assumed power of the House, not intended to press upon any particular person, but to oppose arbitrary power. From what I had heard and read upon the subject of special juries, I was desirous of attending in person when the pannel was to be appointed for trying the action, to which I have before alluded. I accordingly attended at the Master's office, and found that all I had before heard respecting the appointment of these juries was perfectly correct; I found, in fact, that the names of the pannel were taken at the discretion and dictation of the Master. I was accompanied on the occasion by my solicitor, Mr. Ellis, a gentleman I have found zealous, able and intelligent in his profession. Mr. Ellis wished that the 48 names selected by the Master should be taken in some fairer and less exceptionable manner than the Master was proceeding to take them in. Mr. Ellis wished that the names should be either taken in succession from any part of the freeholders' book, or by some fixed rule or other, no matter what, but some rule by which we might judge a little what we were about. This, however, could not be obtained, it was then proposed by Mr. Ellis, that the pannel should be taken from the freeholders generally. The Master of the Crown-office insisted that those only should be chosen to whose name the appellation of esquire was added. Not having any reason particularly to desire the jury to be composed of squires, but, on the contrary, having very particular reasons for wishing the jury not to be composed of the Master's squires, and convinced that a jury of common freeholders would be the most likely to afford an upright and impartial decision, Mr. Ellis requested to be informed upon what ground the Master insisted upon appointing a pannel exclusively of squires? At first it was said to be in obedience to the act for forming special juries, but Mr. Ellis assured the Master that no provision to such an effect was to be found in that act. It was then pretended to be in pursuance of a rule of court, but Mr. Ellis requesting to see the rule, here also, on examination, it was ascertained that no such matter was contained in the rule. To cut the business short, the Master said it was the rule and practice of his office, and of this we had sufficient proof in the actual transaction before our eyes, and to this practice we were compelled to submit. This, Sir, is Mr. Attorney General's fair, just and impartial mode of appointing a special jury, who are to try writers on charges of libel, charges with which the liberty of the press is so vitally connected.

But, Sir, is it not notoriously known, that the persons who usually serve on special juries are men who make this employment subservient to their profit? and convert the performance of their duty into a source of revenue? They are, with scarce any exception, connected in some shape or other with the government; they are for the most part either engaged in contracts, or collectors of taxes, or Middlesex magistrates, or otherwise under government influence.

I have also learned from the publication of Sir Richard Phillips, who has rendered no mean service to the public, as well as through other channels, much information on this subject of packing juries: first, that there is kept a gross qualified list, qualified by having esquire added to their names, in the freeholders book; secondly, that there is a secret qualified list, consisting of about 400 names, squires of course, from which all special juries are taken; that to be placed on this secret qualified list is an object eagerly sought after, as a regular source of personal emolument, and that to be let drop out of this secret qualified list, is also an object of considerable apprehension to those who seek with avidity the employment; that this is the fact also falls, in one instance, within my own knowledge; for, not long since, I had myself an application made to me by letter, from a person who had experienced this inconvenience, complaining of being struck off this secret, or, as he called it, paid list, stating himself not to be aware of having given any offence, and requesting my interference to get his name reinstated upon the list.

When, Sir, we are in possession of these facts, we may cease to be surprised at the Attorney General's not having insisted, in his attempt at justification, upon that which would otherwise have been a most powerful argument in his favour, viz. that in all the cases he had brought to trial he had been borne out by the verdicts of juries. This is a circumstance that must naturally have occurred to every gentleman who has attended to this debate; and is too strong a ground of defence to have been overlooked or neglected by so acute a lawyer as the learned gent.; to do him justice, however, he has been so far candid as not to have insisted on this point, either too candid to urge it or too penetrating not to perceive how it might be turned, under these circumstances against him, if the juries had been fairly constituted. I am ready to admit that their verdicts would have had great weight as to the propriety and moderation (supposing the *Ex Officio* Information to be legal) with which that power had been exercised; but I must contend, and the learned gent. seems to admit it by not insisting on it in his defence, that the propriety of the exercise of the power assumed by him *Ex Officio* can derive no sanction from the verdicts of juries constituted like these.

Special Juries, Sir, are of late introduction, and may be termed a modern invention, for nullifying the cheque of juries on judges, and for procuring acceptable verdicts; and being applied to libel cases, are dangerously perverted from the original intention of their institution. The first mention we find of special juries is in the first special jury act, (for there are several) of George the 2d, artfully worded so as to appear to be only regulating an ancient, and not introducing a novel practice. Its origin is certainly but of recent date; not that it is very material whether special juries be of recent or remote date; whilst they are so selected and constituted, they are a grievance not to be endured, and it is no answer to the charge of an improper use having been made by the learned gent. of his power to say, that his *Ex Officio* Informations have been borne out and confirmed by the subsequent verdicts of such juries as these.

Sir, I feel some reluctance, after the very comprehensive and able view taken of the general principles of law, as affecting this question, by the noble lord who opened this debate, and the total silence of the learned gent. who has just sat down, upon all the great leading points of the question, to obtrude much longer on the time of the House: the subject is, however, too important for me not to press it on the attention of the House and of the public. The fact is, that the term libel, which, as I have before stated, implies no offence, and is not even known to the law of this country, has been borrowed from the most slavish part of the most slavish imperial law; was first adopted by the court of Star Chamber, together with the doctrines and oppressive modes of proceeding with which it has been accompanied. It is curious to observe, that even that slavish imperial code was itself, by venal lawyers, first wrested and perverted, before libel, as an offence, could be brought under its cognizance, that it was during the reign of the most wicked monsters that ever afflicted the world, the emperors of Rome, who made it the instrument of the most degrading, cruel and detestable tyranny, that it took its rise and flourished as in a soil most conjenial to its growth; for the Roman did not, any more than the English law, designate as crimes such acts as were afterwards amongst the Romans, and now amongst ourselves, denominated libels, still less punish them as crimes. Their law, like our own, allowed freedom of speech and of discussion, and it was only against overt acts injurious to the state that the vengeance of their laws was directed. Even when the imperial tyrants, for the consolidation of their power, found it necessary to extinguish the liberty of speech and of free discussion, they did not venture to promulgate a new, but only to extend and pervert an old law. The same stale pretences were, by the Roman lawyers, made use of for introducing that tyrannical practice with respect to libel, and to make that, by construction, an offence, which was no offence by law, as was made use of to introduce the same practice, and the same doctrines upon the same subject, by the venal lawyers of this country in the Star Chamber, which then only became infamous, and on that very account the pretence of disturbing the peace of individuals, and of the necessity of protecting private character against calumny and malice. This, by the Roman lawyers, in the time of Augustus, was brought by construction under the law of 'Læsæ magistatis,' a law originally made to protect the liberty of the people, and prosperity of the state, against the treachery, or other delinquency, of great men in situations of great public trust. The transition was easy from private to political libel, and the arguments of the Roman were the same as those of the English lawyers, in order to make political writing, because it might hurt the feelir of high placed individuals, a crime. T argument was shortly this; that if it we mischievous to calumniate a private inc vidual, and deserving punishment so to c how much more mischievous was it, an how much more deserving of punishme to calumniate the instruments of gover ment under the prince? Before this not ble expedient, the Roman, like the Eng lish law, contented itself with repress ing bad deeds, leaving words free. Tha this is a correct statement, we have th direct testimony of the great Roman his torian Tacitus, in his sketch of the com mencement of the reign of Augustu "Olim," says he, "facta arquebantur ve ba impune erant, Primus Augustus cogni tionem de libellis famosis, specie legi ejus tractavit." Augustus was the firs who brought libel under the penalties o this wrested law. Having once establish ed this method of proceeding with respec to libel, it was impossible that any one could write or speak with safety; accusations multiplied as the infamy of the government increased, as the frequency of conviction encouraged the industry o informers. At length, the severity of the practice became so outrageous, that not only writing and words, but looks, sighs and tears, "feminæ ob lacrymas incusabantur," even silence, or too much, or too little, adulation was, by the ingenious construction of court lawyers, brought under the penalties of this law, aggravated into guilt and punished as crime. A Roman matron, Vitia, was punished for lamenting at the execution of her son, suffering under the execution of this perverted law. The famous instance of the Roman knight, Cremutius Cordus, punished under this law, for writing a history in which Cassius and Brutus were called the last of the Romans, is familiar to every school boy. Nor less remarkable is the instance of one of the descendants of Cassius who fell under the penalties of this law for placing a statue of Cassius amongst those of his ancestors.

But not to weary attention by exhibiting the long train of Roman oppression by means of this system of constructive libel, let us for a moment turn our eyes to the history of our own country groaning under a system, the offspring of this detestable tyranny; and we shall find, unfortunately, too many traits of its origin not at once to recognise it odious parent. In the reign of Charles the 2d, when these *Ex Officio* informations were most used, sir Francis Winnington informs us in his argument against the legality of informations granted even by the court, that a person was severely punished for drinking to the pious memory of Stephen Colledge; another was punished for what was called a most venomous heretical libel, for expressing his opinion in approbation of Adult Baptism, because that was the age at which the apostles were baptised. Pilkington and Shute for voting for sheriffs contrary to the desires of the court; sir Samuel Barnardiston for writing a jesting letter to a friend in the country ridiculing the Protestant Plot—it would be endless to go through all the cases of this description which might be pointed out; suffice it to say, that if such doctrines and practices are to be reintroduced and maintained, and *Ex Officio* Informations in consequence suffered: it cannot be fairly said, that the liberty of the press exists in this country. [A cry of hear! hear!] Do gentlemen, Sir, mean by that cheer to question the propriety of the remark? If they do, I refer them to the actual situation of the press of all public writers, and to the daily practices with respect to them. It is undoubtedly true, as has been well stated by the noble lord, that the utmost scurrility may, on the side of the ministry, be employed against persons in the highest situations, even the highest may be aspersed, groundlessly aspersed, without subjecting the traducers to the destructive vengeance of the learned gent. Let the calumniators but abstain from touching the administration of the learned gent.; let him abstain from the discussion of such topics as must lead to the exposure or impolicy of their weakness; let him but pass over, without comment, such measures as it is his right and his duty as a public writer freely to animadvert upon; and he may be secure from the deadly gripe of the Attorney General; unless indeed there should happen to be a change of administration, then the whole scene changes; the actors change with the scenes, and he who was deemed a libeller to-day, is to-morrow a very honest gentleman; and so *vice versa* as often as the administration changes.

As a preliminary step to cure all this shameful and distressing uncertainty, I hope and trust that the motion of the noble lord, which I consider only as a first step towards a cure, will be agreed to, and that it will lead to some legislative provision against this monstrous, illegal, and oppressive power claimed by the Attorney General. As to the pretended antiquity of this power, it is by no means a material consideration: the grievance would be none the less for being of long standing, but that the contrary is the case, can, I think, easily be shewn. That this practice, with respect to libel, is so far from being antient, that it is altogether of modern adoption and of foreign extraction, as it came from a system of slavery, so it brings a system of slavery along with it, that it is not only contrary to English law, but inconsistent with common sense, even to that slavish imperial law from whence it sprung; and that it is the foundation of all law; for can any thing be more absurd than to confound, as is done in libel case, all moral distinctions to make truth and falsehood equally criminal, and indeed it has been said, the greater the truth, the greater the libel. I do not, however, pretend to say that mischief and malice are not to be restrained, whatever shape they may assume; that if as much mischief could be done with a pen as with a sword, reparation ought not to be made to the injured, and punishment to await the guilty; but this is not to be effected upon pretence of libel, nor is an information *Ex Officio* by the Attorney General a legal, fair and constitutional mode of proceeding, nor is writing a libel but malicious mischief, the crime which calls for punishment. But to pretend an act a crime void of malice, not even accidentally, much less intentionally, producing mischief, which shall be visited with the heaviest punishment at the same time that it is unattended with any moral guilt, is too preposterous a proposition for any honourable mind to assent to.

To look at the practices of modern times under this pretended libel law, one would almost think we had relapsed it to the odious times of the Stuarts. This was the very rock upon which they split. It was owing to these very practices, and that Martyr to obstinacy, Charles the 1st, lost his head, that James the 2d, was expelled the throne, and the family finally banished the land. This was effected by those infamous Star Chamber proceedings which the King's Bench seems now willing to adopt, as well as those cruel sentences and punishments equally abhorrent to the nature of English law, and equally detestable, whether inflicted by one court or another. For what was it that was complained of in the Star Chamber, but *Ex Officio* prosecutions and cruel and unjustifiable punishments; and amongst all the cruelties exercised by that infamous court? The practice most complained against was the modern practice of sending to distant gaols and close custody. "When," says some one in Rushworth, speaking of the cruelties of the Star Chamber, "when nothing would satisfy the rancour of some churchmen but whipped backs, gagged mouths, and slit noses, and above all the transporting men to distant prisons, and keeping them in solitary confinement; when wives and children and friends were, by orders from that court, prevented from entering those prisons where their husbands and fathers lay in misery, then began the English nation to lay to heart the slavish condition they were brought unto. Should this court be longer suffered to exercise its tyrannical power?" and it is high time when the same system is reintroduced, when cruel and unusual punishments, and, above all, distant gaols and solitary confinement are again resorted to, that we should lay to heart, in like manner, the slavish condition likely to be brought upon ourselves, if no restraint should be put upon the powers and practices now claimed and exercised by the Attorney General against the liberty of the press. In order, therefore, to commence some cheque upon these arbitrary, cruel, and unconstitutional proceedings, I shall give my decided support to the motion for inquiry brought forward by the noble lord.

Mr. *Stephen* maintained the legality of the practice of filing *Ex-Officio* informations. The hon. bart. was consistent in not giving his sanction to prosecutions for libels. In a speech of his to the sage judges of law assembled, not in Westminster-hall, but in the purlieus of Westminster-hall, *sub diu* in Palace-yard, he, as appeared from a newspaper report of his speech, pledged himself to his auditory, that when the subject should be under discussion, he would prove "that the practice was contrary to the principles of the constitution." But he would join his learned friend in challenging the hon. bart. to point out any time in which libels were less severely punished than at present. The learned gentleman here enumerated several cases of the punishment of fine, pillory, imprisonment, and flogging, having been inflicted for libels in the reigns of William and Mary, of Anne, of Geo. 1, and of Geo. 2, disclaiming at same time any desire to express app bation of such severity, though he co not avoid stating the cases, in order shew that in good times, as they we called, more severity was used than present. He was not surprised at the p the hon. bart. took upon this subject, cause he had forborne to prosecute most gross libel against himself whi appeared in another part of the sa paper—in which he had read the passa of the hon. baronet's speech. That pap had represented the hon. bart. to ha said "that all the grievances of the pe ple were engendered in the corruptio of that House of Commons, falsely sta ing itself to be the legal representativ of the people." This was a most gro libel on the hon. bart.; but he was treate much worse in a subsequent part of th paper, where he was made to say, "th no government can stand without th confidence of the people:" and also "th the people can never regain their right t petition the House during the remainde of this long and misguided reign." A those passages he contended were gros libels on the hon. bart.; particularly th last.—The whole of the argument of th noble lord who brought forward the mo tion resolved itself into this, that ther had been a greater number of prosecution for libels of late than formerly. This ha been satisfactorily answered by the observations of his hon. and learned friend, from the greater number of periodica papers that were now published, which was likely to be followed by an increase o libels. There was a spirit in many political writings at present, which was peculiarly dangerous, and required to be carefully watched and put down if possible. It was not confined to the attack of this nor that administration, but was hostile to the very constitution itself. Attempts were made to calumniate the very system of the government itself, and particularly in regard to the army, on which the safety of the country so greatly depended. It was an ominous circumstance with regard to the present period, that the press had teemed with more libels on that very point than on any other. To give the House some idea of the astonishing multitude of periodical publications, he would mention, that in last January alone, there were no fewer than 2,037,000 stamps for newspapers issued from the Stamp-Office. Under such circumstances, ken altogether, the mildness and moderation with which the powers of the At- ney General had been exercised, really peared as manifest as their legality.

Mr. *Peter Moore* observed, that all that as sought for on the present occasion, as the means of investigation. The blic mind was greatly interested in the esent question; and very properly, for e liberty of the press was the best rthright of an Englishman, and what rhaps, he had most to depend upon r the maintenance of all his other ghts. To his certain knowledge, in con- quence of the numerous prosecutions tely instituted, an alarm had gone abroad at struck such a terror into the book- llers, that when a person very lately of- red a pamphlet to the London booksel- rs, displaying the most nefarious practices certain gaols in Ireland that ever dis- aced a civilized country; offering also prove them by affidavits, he could not t a publisher. This fact struck him ith alarm; for if the abuses of power ere not to be exposed, then there was ery danger of their being practiced with punity.

Mr. *William Elliot* thought that no in- ances of an improper use of the powers the Attorney General had been pro- uced, and could not therefore support the otion of his noble friend.

Sir *Samuel Romilly* declared, that he ould not enter upon the general question hich had been that night the subject of scussion, but would shortly state his rea- ns for the vote which he should give in vour of the motion. The object of it as merely for an account of the number *ex officio* Informations that had been ed within a certain number of years ck. Now, really, when it was consider- l, that these were professedly prosecu- ons instituted by the government, for e public service, and at the public ex- ence, one would think that there must e very strong reasons indeed for not ac- ding to the production of the account oved for. Every thing that had been id by his hon. and learned friend, the ttorney-General, afforded the strongest asons for granting the information that as now sought for. Public prosecutions ght never to be matters of secrecy, d particularly prosecutions relating to e liberty of the press, which was the eat safeguard of all our privileges, civil, ligious or political. The strongest ounds, then, ought to be laid for reject- g the motion, if it was to be rejected. But it was said, that a charge had been made, and if the House granted the papers, they would seem to sanction the charge. Now, it appeared to him, that there had been rather two statements of facts made, and that that had been asserted on one side of the House which had been denied on the other. Would the House, therefore, refuse the most authentic information that could be obtained as to the facts on which alone they could form their own opinion? His learned friend who spoke last but one, had said, that the libels which had been prosecuted by the Attorney-General had no connection with the present administration, or with one administration more than another, and therefore that the advisers of such prosecutions were not actuated by party motives. This might be all very true; but how was the House to know it, if authentic information was denied? Which of them knew how long those prosecutions had been suspended over the heads of the defendants? From the speech of his learned friend the Attorney-General, the House would naturally be led to conclude, that he had acted a very meritorious part: why, then, did he object to give that decisive evidence of the propriety of his conduct, which would satisfy the House and the country? There was often heard in the speeches of ministers a disposition to talk loudly of their responsibility, and in so doing they were cheered by their friends for their great magnanimity; while perhaps the very next day they refused all information; and consequently prevented enquiry, without which there could be no responsibility. Besides, if unfounded suspicions had gone abroad, was it not to do the most important benefit to the government, to afford the required information? And if the information should be refused, was it not likely to confirm the suspicions that were entertained? He was further desirous of enquiry, because it would include that period when he had the honor to be Solicitor-General, and when he believed no prosecution was undertaken without his opinion and assent. It was said, the Press was at present more licentious than formerly; but it was the common language of all ministers to represent the Press as peculiarly licentious in their time. If of late it had been more licentious than before, that was only a proof of its wonderful buoyancy, for it had grown under greater restraints in respect to publishers and printers than had ever been formerly known. To his own knowledge, the existing law requiring the name of the author, or at least of both printer and publisher had prevented booksellers from publishing books the most innocent, because the author did not choose that his name should be known. He should, therefore vote for the information required.

Mr. *Charles Adams* said that he should support the motion of the noble lord.

Lord *Folkestone* rose to reply, and spoke as follows: Sir, after having already trespassed so long upon the attention of the House, it would be unpardonable in me to consume much more of its time; but I cannot refrain from making a few short observations upon what has been dropped in the course of the present discussion. My right hon. friend (Mr. Elliot), and the hon. and learned gentleman (Mr. Stephen) have stated, that I have produced no instances of an improper use of the power of the Attorney General to justify this motion. To this I reply, that I have laid different grounds: first, the general ground of the hardship under which this power lays all the subjects of the realm: secondly, the improper use of it, in the case both of prosecutions improperly commenced, and of partiality. And for the truth of this, I need only refer my right hon. friend and the hon. and learned gentleman to the fact, that the Attorney General has, in no one case, denied the hardship of which I complained, and to the statement which I made in the outset, confirmed as that statement has been by the Attorney General himself: namely, that of the forty-two prosecutions commenced in three years, nearly one half have not been proceeded in. Now, Sir, either the prosecutions were justifiable, or they were not. If they were justifiable, then why were they dropped? Did the Attorney General assume to himself the right to decide that sufficient punishment had been inflicted? and the right to inflict it on whomsoever he chose? The Attorney General tells us that he has received apologies. Sir, the Attorney General is a public servant, acting for the benefit of the public; and is he to assume to himself the right of stopping proceedings commenced with that view, upon an apology made to himself? Besides, what apology can be sufficient in the case of such high misdemeanours as those to which alone, according to Blackstone, these *ex-officio* Informations are applicable? If the prosecutions were not justifiable, then at once here is a cause for inquiry and for granting the papers I have moved for; then, all the pers affected by them have been unjustly s jected to expence and trouble. But hon. and learned gentleman (Mr. Steph says that the increase of publications j tifies the increase of prosecutions. B Sir, is that the real state of the case? the six years ending 1806, the number prosecutions is at the rate of two in ea year. In 1808, 1809, and 1810, at t rate of fourteen. Have, then, these pu lications increased in the rate of fourte to two? Certainly not.—Of the rest the speech of the hon. and learned ge tleman, I have only to say, that he h not alluded to a single argument of min which he has not misrepresented. B in truth, the hon. and learned gentlem applied scarcely any one sentence of h speech to the arguments that have be urged, or to the case now before t House. He came down with a bundle old papers, prepared evidently, not f the purpose of refuting arguments th might be used in behalf of the motion but with the view of attacking the ho baronet (sir F. Burdett). And how, S does the hon. and learned gentleman a tack him? Why, for not prosecuting a libel, that which purports to be an a count of his speech to his constituent And what are the grievous parts of th libel?—that the hon. baronet has bee represented to have said, that “no govern “ment can stand without the affection “of the people,” and that he hoped “th “people would never again be deprived “of the right of petitioning.” Sir, is libellous to say this? Are these libel which the hon. baronet is called upon (an the hon. and learned gentleman does ca upon him) to prosecute? If these ar libels, then I beg to be comprehende in the guilt of a libeller. I am guilt of being such a libeller, and I beg to b comprehended in the hon. and learne gentleman's censure.—But, the hon. an learned gentleman tells us, that the spiri of the people is libellous. “There is “spirit gone forth,” says he, “amongs “the people, of so dangerous a sort, tha “the Attorney General is called upon t “check it by these prosecutions.” Is i so? Why, then, Sir, let the causes of tha spirit be inquired into. Let us correc the abuses and the grievances that have given it birth. Let us institute these proceedings, in order that we may retrieve the affections of the people, without which, notwithstanding the censure of the hon. and learned gentleman, I shall still assert, hat "the government cannot stand."—With regard, Sir, to the speech of the Attorney General, it is to be remarked, hat he really has rebutted neither the allegation of general grievance under the aw, as it stands and is administered; nor any one of the cases alledged of oppression and partiality. The Attorney General has passed an eulogium on special uries; but his hon. and learned friend behind him, has not said one word in answer o, or in contradiction of, the facts alledged on that subject by the honourable baronet. This question, however, of special juries shall be made, on a future day, the object of a specific motion; and therefore nothing more need now be said upon it.—The Attorney General has plumed himself upon his civility to me in ordering all the records and offices to be thrown open to my inspection. I really did not know that I was so much indebted to him. He has given me credit for great industry and care in rummaging into the antient records on the subject. I am afraid, Sir, that I am not entitled to this commendation; and if it was part of my duty to devote myself to these researches, and to read all these libels before I brought the question forward, I am afraid I must plead guilty to the charge of having come before the House unprepared.—Sir, the Attorney General is very angry at the mention of the word fees, and is extremely indignant that it can be entertained as a possible motive for any Attorney General, that he is to receive fees on the filing of these Informations. Sir, I cast no such imputation upon the learned gentleman: but I wish he had been equally abstemious in another case, where the imputation was equally undeserved, and when it was used for the purpose of aggravating the punishment of an offence of a quite different nature, and with which it had nothing to do. The learned gentleman knows to what I allude, and has mentioned it in the course of his speech. I am glad he has done so; for I am glad to have an opportunity to state that that imputation was quite unfounded and totally unjustifiable. Sir, I have known Mr. Cobbett, the person against whom the learned gentleman flung out that accusation, for many years. I have heard of the eminent services he performed for his native country when a public writer in America. Honourable testimony has heretofore been borne to those services in this House. I have known him ever since his return, and have never ceased to admire his public writings, or to esteem his private character. I have more than ever had occasion to do so, since he has been suffering the punishment which he is now undergoing, in consequence of the prosecution of the Attorney General, and I am extremely happy to have had an opportunity of professing publicly the high esteem which I bear him, and the value I set upon his writings, and the great services he thereby does the country.—The Attorney General has told the House, that I complained of state prosecutions, but that I gave no instance of any such. It is true, that I complained of the possibility as the law stands, of keeping these prosecutions hanging over the heads of individuals for an indefinite period; but I did not complain that this had ever been done. The Attorney General states a case where he entered a *noli prosequi* to relieve the mind of the person against whom a prosecution had been commenced. I am bound to acknowledge the truth of that statement, and to bear testimony to the kindness with which the Attorney General acted in that case—but why is this the only *noli prosequi* which he has entered? Why, in other cases where prosecutions have been dropped—or at least not proceeded on—why have they not been put a final stop to in this way? Why have they been left in such a state, that at any future period they may be taken up again either by the present or any future Attorney General? Why were not the minds of these other individuals equally set at rest? Sir, I complain of this: these people are still under the lash. It is not in full operation; but it is kept suspended over them, and may at any future period be again brought into operation.—And now, Sir, with respect to that case, which the Attorney General states so triumphantly, of the only person who has been committed under the 48th of the King. The Attorney General says that I misrepresented that Act, when I said that it gave him the power to hold all the King's subjects to bail. I surely could not be understood to mean that it empowered the Attorney General himself to take bail, or to commit. I have read the Act and I know it means no such thing; but it does that which is tantamount to it. It empowers a Judge—(I am not quite sure whether or no it is imperative on the Judge)—it empowers him, however, at all events, to hold to bail or commit any person against whom the Attorney General files his Information. Is this nothing? The Attorney General may file his Information against whom he pleases, and on Affidavit of the filing of the Information, the Judge may hold to bail or commit. Then, I say, that this gives the Attorney General the power of having any person whom he pleases, held to bail.—But this Act, it seems, has only once been brought into operation. Has the Act done no good? it ought, then, to be repealed. Is it useless? it ought to be repealed. It has been useful in one case: and that case the Attorney General states triumphantly. He says it is the case of one O'Gorman, who after an Information filed against him for a libel, republished the Libel, and was then brought under the operation of this Act, and being unable to find bail was committed. I say, that this case, instead of being a triumphant one for the Attorney General, is a case of most gross and flagrant abuse. In the first place—a libel!—by what right does the Attorney General call the publication in question a libel? Has it ever been so proved? Has the author ever been tried and convicted of being a libeller? No. The Attorney General, for reasons which he has stated, has never brought this work to the test of a trial. It is, therefore, no libel in law; and he has no right so to call it?—Then, as to the republication of this work, which the Attorney General is pleased to call a libel, I understand that the fact is not true. Previous to the filing of the first Information, a second edition of the work was sent to the press. The putting the Information on the file did not stop the work of the press: it went on, and the second edition was printed and sent home to this man's house: and this is the republication for which the second Information was filed: Well, but admitting the work itself to have been as heinous a libel, as abominable a publication as ever came from the press. What then? Does that render the author justly amenable to this Act? Was this act passed to punish libels? or to enable attorney generals to punish those whom they chose to pronounce libellers?—No: this act was passed to prevent culprits running away from justice: to prevent their escape. And I want to know, if this man was more likely to run away from the second Information than from the first? Whether the re-publication, therefore, gave any good ground for bringing him under the operation of this Act, or not, I say, that the object and purposes of this act have been herein grossly perverted. I say, that this act, passed for one purpose, has been used for another—has been used arbitrarily by the Attorney General for the purpose of punishing a man, who has never been convicted of any crime but who had incurred the displeasure of the Attorney General.—On the whole, Sir, I assert, that none of the grounds that I before alleged for this motion, have been removed. The hardships which I enumerated as attending every person who became the object of this sort of prosecution have not been disproved or denied, in any one instance. And as to the particular grounds, they are equally uncontradicted. The fact asserted by me, and confirmed by the Attorney General, of prosecutions being dropped, is proof of their being improperly commenced: and as to the charge of partiality, in prosecuting some and withholding all restraint from others, none of the gentlemen have touched on the subject. I beg leave here to repeat, that this lenity I do not complain of, but what I complain of is this: that while this lenity is extended to some, great severity is meted out to others. The ground, therefore, on which I stand, is the general hardship, even as the law stood before the alteration—the increased severity of the law in consequence of the 48th of the King—and the abuse and partiality with which the Attorney General has exercised his privilege. These, Sir, are the grounds on which I rely, and upon which I shall take the sense of the House.

The House then divided, when the numbers were

For Lord Folkestone's Motion ...	36
Against it	119
Majority against the Motion ...	—83

List of the Minority.

Abercromby, hon. J.
Adams, Charles
Adair, Robert
Aubrey, sir John
Byng, George
Brand, hon. Thomas
Cavendish, William
Combe, Harvey C.
Creevey, Thomas
Cuthbert, J. R.
Ferguson, general
Guise, sir William
Hibbert, George
Howorth, Humphrey
Hutchinson, hon. C. H.
Latouche, Robert
Lefevre, James Shaw
Lemon, sir William
Longman, George
Maddocks, W. A.
Martin, Henry
Miller, sir Thomas
Moore, Peter
Newport, sir John
North, Dudley
Ord, William
Osborne, lord F. G.
Ossulston, lord
Parnell, Henry
Romilly, sir Samuel
Smith, William
Sharp, Richard
Taylor, M. A.
Tracey, Hanbury
Western, C. C.
Whitbread, Samuel

TELLERS.

Folkestone, viscount
Burdett, sir Francis

HOUSE OF LORDS.

Friday, March 29.

COMMERCIAL CREDIT BILL.] This Bill passed through a Committee, and was reported without amendment.

The Earl of *Lauderdale* gave notice, that he should move a clause on Monday, to prevent the Bank from purchasing the Exchequer Bills issued under this act. His lordship also stated, that he should then prove that he was correct in stating that the Bank of Ireland had diminished its issues after the report in 1804, and which had been positively denied by a noble earl on the former evening.

The Earl of *Ross* said, he had not denied that the Bank of Ireland had diminished its issues at the period alluded to; but what he maintained, and was still prepared to contend, was, that the exchange became more favourable to Ireland previous to any diminution of its issues by the Bank. His lordship then proceeded to notice a statement in the Report of the Bullion Committee, which, he maintained, was founded in error; namely, that the Bank of England had increased its issues between June 1804 and 1806, whereas it was proved by documents, that, during that period, the issues were diminished.

The Earl of *Lauderdale* compared the present state of the paper currency with former depreciations, contending that the same cause, namely, an excessive issue of paper, would infallibly produce similar effects to those produced by that means in the reign of William 3; to the depreciation of assignats in France; and to what had been witnessed in every one of our colonies. In consequence of an excessive issue of paper, the coin disappeared, and the paper became depreciated—an evil which was only cured by limiting the quantity of paper.

Lord *Holland* observed, that the very same arguments that were now used, by those who contended that the paper currency was not depreciated, were used in France, to prove that assignats were not depreciated.

Lord *Redesdale* contended that Bank notes were in a different situation from assignats, being issued on securities which must be paid in a certain and short period, and in payment of which the Bank notes were returned.

The Earl of *Lauderdale* observed, that the assignats were issued on the best security in France, namely, the land, and whilst they did not exceed the amount of that security, remained at par with bullion; but as soon as it was known that more were issued than could be taken in payment for the land, then they begun to fall in value, until at length they sunk to nothing. So by the directors of the Bank of England increasing the issue of Bank notes, for which cash was not to be had, the Bank paper had become depreciated, whilst the Bank proprietors had gained the enormous profit of 21,000,000*l.* since 1797.

Lord *Redesdale* admitted the cause of the depreciation of assignats, but contended that the assignats were issued by government for provisions, for the armies, and other articles, without any prospect of their being returned, whilst the notes of the Bank of England were issued on securities in payment of which they must be returned within a short period. The Bank notes were merely similar to assignats before their depreciation.

The Earl of *Rosslyn* wished to understand clearly what was meant by this argument, as supposing the issue of Bank notes to be doubled, how would it then apply?

Lord *Redesdale* observed, that the argument did not apply to an excessive issue without the means of return, but to the actual issue, as at present, of Bank notes, only upon securities.

The Earl of *Lauderdale* contended that it was merely a collusion for the Bank to issue notes to the bill-holder to pay his bills with.

The conversation ended, and the House adjourned till Monday.

HOUSE OF COMMONS.

Friday, March 29.

DWELLING HOUSE ROBBERY BILL.] Sir *Samuel Romilly* moved the second reading of the Bill to repeal so much of an Act, passed in the 12th year of the reign of queen Anne, intituled, "An act for the more effectual preventing and punishing robberies that shall be committed in houses, as takes away the benefit of clergy from persons stealing any money, goods or chattels, wares or merchandizes, of the value of forty shillings or more, in any dwelling house or outhouse thereunto belonging, and for more effectually preventing the crimes of stealing in dwelling houses, or outhouses thereunto belonging."

Mr. *Frankland* spoke in opposition to the second reading to the effect following:

Sir;—Although my hon. and learned friend, in conformity to the course of proceeding in the House, has only moved the second reading of the Bill, which respects stealing in dwelling houses; yet it will be recollected that there are now also on the table four other Bills, which equally seek to make important alterations in the existing laws of the country, and which equally stand for the second reading on this day. The one respects privately stealing in shops and warehouses: The other relates to thefts in ships, barges, and other vessels, at their ports of entry or discharge, or on navigable rivers; and to thefts on wharfs and quays adjoining. The third respects stealing of linen or cotton cloth or yarn, in buildings or grounds, where it is printed or bleached. The fourth Bill is applicable to Ireland, and respects stealing linen or cotton cloth or yarn from the bleaching grounds or workhouses, in that part of the United Kingdom. Of these five Bills, the first was, last year, rejected in this House, after a long and diligent discussion. The second was rejected, after a similar discussion, in another place. The third, although brought into the House last year, was never pressed to a third reading. The fourth and fifth have been presented this year, for the first time. Five Bills, upon such dissimilar subjects, would seem abundantly to manifest a settled purpose in the framer of them to endeavour to change the whole system of the law, as it respects mixed or compound larcenies. Indeed I am not left to conjecture on this subject; for my hon. and learned friend has himself distinctly avowed such purpose, as well by words, delivered in his place in this House, as by observations which he has communicated to the public on subject matter, not only connected with the purport of these Bills, but respecting other important features of our criminal jurisprudence. Such being the operation of those Bills, and such being the opinions and views of the framer of them, it would seem to become the bounden duty of those who seriously apprehend the evil consequences of such departure from the received and approved maxims of our penal administration of justice, not only to point out the inconveniences of the measures immediately under consideration, but to assert broadly the character, policy, and advantages of the British system, which, however it may have occasional been exposed to animadversion, has, fro time to time, received the considera approbation of the most profound re soners, and the ardent eulogies of th best and most benevolent of mankind—a system full of mercy, though seemingl severe, and in its effects producing le suffering and more happiness than othe systems, apparently more lenient; bu which in their real operation subtrac more from the amount of human enjoyments, and add more to the sum of huma misery.—I say this of its general character. There may be blemishes in it, as i all human institutions, most of them rathe seeming than real, and which may easil be removed by appropriate remedies and I shall at any time be most willing t contribute my labours to assist in applying such remedies to them: but the wholesale mode of dealing with them, which i now proposed, will impair rather than improve, the whole of the fabric.

My hon. and learned friend has no suffered himself to be discouraged by the fate of his Bills in the last year. Acquainted as I am with the sincerity and purity of his motives, I have to admire a laudable perseverance, which to others, who do not know him, might appear like pertinacity. The wish, which he so strongly feels, to benefit the community, might abundantly have justified him in persisting again to submit these measures to the consideration of the House, or in adding others to them, which appear to him to be equally beneficial. Surely, Sir, when he again introduced them to our notice, it could not have been necessary for him to have assigned as a collateral motive, that the great lord Coke had recommended to every one, who should succeed in the profession, of which he had himself been so distinguished an ornament, to leave behind him some memorial of his knowledge and attainments in it. I should have thought that if my hon. and learned friend had wished to have acted in conformity to lord Coke's suggestion, he would in settling the manner in which he should pay this debt of gratitude to his profession, in selecting the description of legacy he would leave behind him, in shaping and modelling the bequest, he would be desirous to submit to posterity, he would have directed his attention to those parts and branches of the law, with which by his continued and connected studies, and minute and detailed, as well as exnsive and enlightened practice, he was e best acquainted. I well know, that, the early part of his life, the criminal ws engaged no inconsiderable portion of s attention; but I think I may venture assert, that the ample space he fills in e eyes of his profession, the deserved me he enjoys, is not derived from any quaintance he may have with penal risprudence; but from that comprehen- ve and profound, and at the same time actical and minute knowledge, upon her and very different branches of the w, which, for a long course of years, has eminently distinguished him in the ourt of chancery, of which he is so bright ornament. Sincerely as I respect him, nd no man respects him more sincerely, ighly as I deem of his talents, learning, nd varied attainments, yet I will never- eless affirm that an acting magistrate in e country has, practically speaking, ore knowledge of penal law than my arned and hon. friend. An acting agistrate knows how penal laws ope- ate. I do not mean their mere bearings nd workings in courts of justice: but ow they operate upon the mind; how ey interweave themselves with manners; ow they school and educate the rising eneration; how they form character. —And they do form character—national haracter. No nation on earth has so lit- le of the petty and thievish propensities. Nothing but manners, growing out of aws, could have produced this effect, in a country where the mass and value of personal property is so immense, and where the eagerness of commercial rivalry urrounds us on all sides with tempta- ions, wherever we tread, or cast our eyes. Ve display, we solicit, we allure by very artifice. He who tempts most, suc- eeds most. How could this magnificent display, the delight and ornament of this mighty metropolis, how could this continu- ed allurement be resisted, even to the degree n which it is, unless by the silent work- ngs of a system of laws, which, in co- operation with the moral code, had, from early childhood, formed the manners and character of the people? In other countries there is comparatively little temptation to theft. There are, I know, some persons, who affect to doubt whether the holding out these allurements is not itself criminal, and they would extinguish the lustre of our shops, and the interesting display of the works of art, and of the gay and variegated fabrics of our manufactures, and would have the streets as dark and gloomy as those cheerless imaginations, which sometimes seem to blind the eyes of man to the beauty and beneficence of nature, and of nature's laws. But, Sir, let us recollect that British laws and British institutions nurse up virtue. Persons bred in another school of manners, would sink under temptations which we resist. If under other systems there may be less temptation, or less crime, let us observe at least which system produces most manly and generous sentiment, most public and private happiness. I repeat again that the workings and bearings of penal laws, upon the mind and manners of the people, is practically better known to an acting magistrate, than to my hon. and learned friend, whose attention is painfully and continually, though most usefully, and honourably employed on subjects of a different description. And feeling as I do the extreme importance of the practical knowledge of practical men upon such a subject, as the one now under consideration, I have to regret that these Bills should have been pressed forward upon our attention, when such men are in their counties, engaged at their quarter sessions or on grand juries, or in the discharge of other practical duties of a similar description. For my hon. and learned friend, having selected and shaped (in compliance with lord Coke's suggestion, though not, as seems to me, in exact conformity to it,) the description of the legacy, which he is willing to have appreciated by the House, before he transmits it to posterity, has unfortunately introduced it, and put it on the table for us to look at, and handle, and weigh, when those are absent, who are the best judges of its value. Last year his intended bequest was considered as likely to prove rather a burthen, than a benefit: and now, when with a kind of generous importunity he would seem to force his donation on the reluctant, I do regret that we have not the assistance of those, who might be best able to express their gratitude for the gift, if they found it valuable, or, if they found it otherwise, to defend us from any inconvenience which might arise from it. Seriously, Sir, what has happened, that has occasioned all this stir and bustle upon this subject? Have any of these magistrates, whose absence I lament, transmitted their representations? Has any description of magistrate whatever, subordinate or superior, moved on the occasion? unless it has been for the purpose of anxi-

ously expressing his dissent to the measures proposed, and of deprecating their adoption. Would not any one imagine from all this activity and, clamour, respecting the alleged severity of the British laws, that something had lately happened? that something had met the eye, or shocked the feelings? That something had compelled us to reconsider the policy of our system of criminal jurisprudence? That some miserable waste of human life had been observed? Multiplied and useless executions? Pitiable examples of youth and age led fruitlessly to death? Increased human suffering, and no corresponding benefit? No, nothing of all this, but the contrary. We find the country rapidly increasing in wealth and population: no sense any where either of property having become insecure from the over-whelming effects of crime, nourished by impunity, or a suggestion from any quarter, that our population is cut down, or kept back by multiplied capital punishments. Are we then to repeal laws of long standing, merely because, upon ordinary principles of legislation, severe laws are to be avoided? The House, I am sure, will deeply feel that to repeal existing laws is very different from enacting new ones. The same arguments, the same course of reasoning, which might be sufficient to dissuade the passing of a law, are far from sufficient to induce the repeal of a law, when once enacted and interwoven with our manners. Such repeals tend to unsettle the opinions of mankind; to disturb received ideas as to guilt. "So then the stripping, plundering, rifling, pillaging, and gutting a house, is not so bad a thing as I thought. I thought it was a hanging matter. But the parliament gentlemen, I find, have got pleasanter notions about all this. I am very glad of it. I always thought some people had more good things than they ought to have, and that you and I had too few. Well! to be sure I have no house to be plundered; but then my neighbours have plenty." That such are the effects of repealing laws, in respect to unsettling opinions, and disturbing received ideas of guilt, is not matter of conjecture; but was last year matter of general notoriety, when the Bills of my hon. and learned friend were under the consideration of parliament. Owing to a misapprehension, it had been imagined that the Bills had actually passed, and the speculators were immediately on the alert. Not the description of speculators who had urged or p
moted the alteration which was suppo
to have taken place; but the speculat
to whom the new system immediately
plied. It was a matter of notoriety
every office of police, and to every per
whose duty it was to keep his eye on su
scenes and such characters, that there w
as much activity, and as much expec
tion, and calculation, and preparat
among these hopeful speculators, as so
new operation of finance would have p
duced at Lloyd's or on the Exchan
among speculators of still another descr
tion. Sir, it is this tendency, which t
repealing existing laws has to unsettle t
opinions of mankind, that has in all cou
tries, and in all ages, produced a gene
indisposition to change systems, und
which the society had for any length
time acted. '*Nolumus leges Angliæ muta*
has been said in this country, not on
without reprehension, but with applau
The sentiment, however, is general amo
mankind, except in times of occasional eff
vescence, when things are coveted becau
they are new; their novelty alone bei
sufficient to recommend them. This sent
ment may, of course, be carried to exce
like all other valuable sentiments; but i
general tendency is most beneficial. T
young, ardent, and inexperienced mind
this disposition of mankind to leave thing
as they are, seems very dull and ver
stupid; and we all of us remember, th
sanguine period of life full of hope an
confidence, when there was scarcely an
possible subject which we did not fanc
we could improve by cutting and carvin
it according to our fancies. There is i
young minds, a kind of astuteness in ob
serving seeming imperfections, incongru
ities, and inconsistencies. They ar
good judges of approaches to ideal per
fection on paper and parchment, or of de
parture from it. But it is long before the
discover that every thing is referable to hap
piness: and that happiness is produced by
continuing to act even under imperfect systems, than by continually unsettling the opinions of mankind, and the maxims and rules
of their life. The great and mighty art o
wise nations has been not to change the system of their laws, according to every fluctuation, which time and the ever-moving scene of the world urge backward and forward continually, and without a pause; but so to qualify and adapt these systems, to altered circumstances, as to preserve at once the sanctions which deter from evil,

l regulate the application of them acding to the exigency of occasions. is course is the most beneficial to mand. When laws have so operated as to e formed the manners and character of eople (which is their true and most adtageous operation) and the conduct of n habitually, and as it were unconscisly, conforms itself to their enactments, would seem to the unthinking that such vs have become unnecessary, and might ll be struck out of the code, as the ictions are never enforced. But it has en found that the repeal of such sancns, instead of accelerating the progress society to a more improved state to ich it was advancing, has a tendency, disturbing received ideas, to arrest at progress, and by a re-action, to make en fall back again and retrace their steps that less perfect state from which they d advanced by long and painful efforts, d from which the operation of the realed sanction had so successfully withawn them. By such a system of realing sanctions, the moment they cease be practically enforced, men could ver maintain the advantages they have on in their conflicts with evil. You force en forward from crime by the fear of nishment: when you have so worked on and fashioned their minds, habits, anners, and character, that the fruits of ur labours begin to appear, you relax e of the most operative causes of your ccess, and permit them to fall back again the point from which they had set out. us sanctions are introduced, sanctions e enforced, sanctions are effectual, sancns are not enforced, sanctions are repealed, crimes are re-committed, sanctions e re-enacted, sanctions are re-inforced. d thus we labour in vain, in alternations misery; and by our unskilful attempts obtain a supposed greater degree of od, we produce greater evil, both in ogress and result. It is on these acunts that wise nations do not alter sysms, but they adapt the application of em to times and circumstances. It is correct to say, that the practical mode of r administration of penal laws, qualifies d mitigates the imperfection of them. his is not a correct view of the subject. hose who have to administer the law, do t apply that part of the law which is applicable; but it is important to retain at part of the law which is inapplicable, st it may become applicable, or lest alred circumstances may require its apication.

However ameliorated the state of society may be, however far advanced and improved in its condition, moral and physical, however little it may seem to require the application of severe sanctions, yet we must always recollect that when we use the word society, it is but a phrase, a necessary phrase indeed for the purpose of making our reasonings on such subjects intelligible to one another. But we should never forget that the materials, of which society is composed, are but separate individuals, who are born and die, and who succeed one another in their generations. All have to pass through the helplessness of infancy. All have to pass through the fearful period of childhood and of early youth, when the passions are to be subdued, controuled, directed; the reason to be awakened, cultivated, informed; the appetencies to be regulated; the habits, manners, character, to be moulded and fashioned after the models of the fair and the good, and the seeds to be sown of the higher virtues. What a mighty task is this! What aids cannot but be wanted for performing it! Every thing is requisite—laws, institutions, labour, learning, beneficence, zeal, love. Even with these aids, how often do we fail in obtaining the wished for fruit. The plants perish, or grow awry, and perverse. Even if we succeed, how endless seems our labour. As soon as one portion of the individuals whose aggregate constitute society, is fashioned and instructed, another succeeds, which equally requires the same instruction. Still no progress seems to be made; another, and another, still succeed, demanding the same cares, attentions, and labour. While we speak, while laws instruct, direct, regulate, one generation passes away, and another springs up: and while we continue our efforts, wave follows wave in ceaseless succession. And we have too often, I fear, to preach to the waves in more senses of the phrase than one. Can we wonder then, that life should seem to be one perpetual struggle against something that pulls us back. That we are continually hoping to obtain a good which escapes our pursuit. That we seek one thing, and find another, and that the actions of men seem little else than a series of illusions and disappointments: or that nations which seemed to be in the most ameliorated state, at once prosperous, happy, and free, seeking, by taking off restraints, or by other unskilful means, to improve their liberty and happiness, should suddenly revert to a degraded state, and find they had only taken so many fearful strides in the high road to despotism and misery. Let us not be too confident. '*Facilis descensus.*' It is often only necessary to take out a single peg, for the wheels of the mighty machinery of a nation's happiness to run back, and the accumulated fruits of ages to be dashed to pieces in a moment. Wise nations have therefore never admitted material alterations in their laws and institutions, without the clearest and most entire conviction of the benefits to be derived from such alteration; unless the advantage to be obtained was so obvious, that no man could doubt on the subject. Not advantages in speculation, about which men disputed, and argued, and reasoned; but advantages which every man could feel and understand. For ideal perfection is not the end and object of laws and institutions, but human happiness: and it will be found therefore, that no alterations have ever produced happiness in the frame of human society, but such which (according to the law of nature in the external world) have been so gradual as scarcely to be perceptible. And it will be found also, that attempts to make material alterations in the penal code of any nation, from the speculations of general reasoners, have always produced national evils, instead of increased happiness. But, Sir, I pursue these contemplations too far. They are not, however, without their application. We are too apt to consider society as a fabric which we can build up and complete, and then pull down the scaffolding and enjoy. I fear this scaffolding must always stand: not for repairs; but because we are always building, and our work is never done. One set of bricks which we had fashioned and adjusted, are crumbling away and falling out, while we are framing others to supply their place, and which will soon crumble, and perish in their turn. I have been very anxious to impress upon the House the deep conviction I feel of the important distinction, between repealing existing laws of long standing, and of enacting new ones. The principles I have stated are like all moral, legal or political principles, general, and not universal. They have their exceptions. The great nicety is in eliciting and ascertaining these exceptions. But one principle is universal, that if an inconvenience is felt, not imagined, the remedy should extend to that inconvenience and should not go beyond it. These are not ver encouraging topics, not very comfortable or consoling to the vanity and presumption of our nature. They are not topics which would make one at any time much disposed or, in particular good humour, to entertain any project, for any repeal of existing laws, however well considered; particularly to entertain a project which had been rejected by parliament in a former year a project too which is introduced again to our consideration, at a time, when those who are the best judges of it, are absent and when those whose duty it is to give their continued undivided attention to the subject matter of it, anxiously deprecate its adoption. But, Sir, notwithstanding all these varied and multiplied circumstances of discouragement, it appears to my hon. and learned friend, that something has actually happened, and lately happened to inspire him with confidence, and a confidence well founded, as it is derived from experience; something, which, even more than lord Coke's suggestion, urges him to persevere. My hon. and learned friend, when he first, this year, introduced those Bills into the House, observed, that though he had failed the last year in procuring them to be passed into laws; yet there was another Bill, upon which he had succeeded. A Bill which repealed the statute of Queen Elizabeth, which took away the benefit of clergy from persons stealing privately from the person. He stated, that the beneficial effect of his success was already apparent. As the law had before stood, there had been few committals or prosecutions for such offence; but now he had the satisfaction to inform the House, that committals and prosecutions had increased, and he doubted not but that abundant convictions and punishment would ensue. He seemed to speak with the exultation of a Chancellor of the Exchequer opening his budget, and amplifying the advantages of some new arrangements. The theme of praise was, increase, abundant produce, plentiful supply. He did not quite boast in the usual strain on such occasions of an accelerated ratio of improvement,—that the last quarter had been singularly productive,—and so forth; but he distinctly gave us to understand, that, if the present Bills should pass, and his improved system of management should be thus extended to other departments of depredation, to houses, shops, ships, barges, lighters, wharfs, quays, and bleaching grounds, he was persuaded the same beneficial results might be expected—a happy multiplication of committals, prosecutions, convictions, and punishments, and a mighty congregation of constables, witnesses, prosecutors, criminals, juries, and magistrates, perpetually at work, adding new lustre to the glories of their country, and new energy to its productive efforts. Sir, I will not glance at the fallacious grounds of his exultations. I will not hint that there may have been more committals and prosecutions for picking pockets, because there have been more pockets picked—a fact, indeed, not merely known to the officers of police, but I believe, to every man who hears me. It is a matter of common conversation in every street, that since my learned and hon. friend has succeeded in carrying into effect his new system of management respecting pockets, gangs are forming, and the system, for effecting depredations on the person, visibly ripening. But I pass over the fallacious grounds of his exultations, and I will say generally, that a system of penal jurisprudence, which should have the effect of busying a large mass of the people in criminal prosecutions, misemploying their time, their thoughts, and lessening their productive labour, would be the greatest of curses, and not a blessing. I say this, even if such a system had a tendency to lessen the number of crimes, which I deny, I say it would be buying exemption from crime too dear. I say such a system would be a curse in any country: but in this country it would be the most transcendent of all evils. In despotic countries mild laws may have place; in such countries prosecution, conviction, and punishment are but a word and a blow: but for us to keep the complicated machinery of our jurisprudence in perpetual motion, a mighty apparatus necessary for the security of our liberties, would be a much greater evil, than the one intended to be removed.

It would really seem as if gentlemen imagined that the end and object of law was punishment. The end and object of law is the prevention of evil; laws are a terror to evil-doers; the basis of wise laws is the maxim—*metus ad omnes, pœna ad paucos*. Indeed, so erroneous is it to imagine, that wise laws are evidenced by the multitude of prosecutions, convictions, and punishments, which grow out of them, that the very opposite is the truth. The perfection of a penal law would be, that it should never be executed, that the terrors alone should be sufficient to prevent the evil, that the fear should be so operative on the minds of all, that the punishment should extend to none, that the result should be, not only, *metus ad omnes, pœna ad paucos;* but *pœna ad nullos.* But these things are impossible, human infirmity permits not such results. Laws, however, are erroneously said to be a dead letter, merely because they may not have been enforced by prosecutions, convictions, and punishments. Such laws live in the manners, habits, and opinions of the people; they live in the rules and maxims of their life; the silent, invisible operation of the law is much more effectual for good, than the busy and bustling activity, which would keep them always in sight and in motion, working away in courts of judicature, in the midst of the buz and dust of prosecutors and constables, witnesses and juries, magistrates, and spectators.

Though laws operate principally by the silent and invisible working of the terror of their sanctions, yet the nature and amount of this terror, the nature and amount of the punishment threatened, must depend upon circumstances. A punishment can never be too mild, provided it answer the end proposed, which is the prevention of some description of action, materially prejudicial to the community; I say materially prejudicial: for actions, only slightly inconvenient to the community, ought not to be the object of penal laws, but should be left to the controul of manners and morals; for by subjecting them to punishment, (and in order to prevent them effectually, severe punishments might perhaps be necessary) the very amount of the punishments themselves might subtract more from the amount of human happiness, than would be subtracted by permitting the inconvenience intended to be prevented. But where the nature of the action would materially destroy the well-being of the community, the sanction of the law must be such, as may be necessary to prevent such actions; for human laws proceed from human necessities, and are not referable to abstract ideas of justice, or to any supposed scale of proportionate retribution of so much suffering for so much guilt. Indeed, the legal code, and the moral code are not only different, but contrary. In *foro conscientiæ,* the greater the temptation, the more venial the offence; in *fòro humano,* the greater the temptation, the greater must be the punishment, to deter from the action. We must all remember when first these subjects were brought under our consideration, and before we understood that human laws proceeded from human necessities, how much we have been shocked at the seeming injustice of human laws; we find actions punished by the severest penalties, which are no moral offences at all.

In truth, the subject matter of the two codes is different. The moral code respects the agent, the legal code the act. The agent is justified by his motives, though the act is injurious; but the act, if materially injurious, must be prevented by punishment; though the doer of the act, as far as his motives are concerned, may, in *foro conscienti*, be deserving of praise rather than punishment. Such person is not punished, because, according to the phrase which is so often misused and misapplied, he deserves punishment, but because it is necessary to prevent the sort of action which he has done. In no case whatever under the mere human code, is punishment, however slight, enjoined or inflicted, because the person doing the act deserves the punishment. But whenever the human tribunal, in the application of the legal code, by calling in the aid of the moral code, is able to adapt the degree of punishment to the moral guilt of the agent, it is very soothing and consolatory to our minds.

But, Sir, though human laws proceed from human necessities, human tribunals should be so constituted, as to be able to avail themselves abundantly of the aid of the moral code. And yet it is singular, that those who have speculated most upon the improvement of penal laws, should so far seem to forget the end and object of all laws, which is happiness, as to endeavour, by excluding discretion, and by antecedent definitions, to banish the moral code, and render the legal code all in all. This is indeed to enhance the evils of human laws, which, growing out of human necessities, depart from abstract ideas of justice. If a man is within the letter of the law, under their system, which vainly attempts prospectively to define every varied form and quality of each act, he must suffer the penalty. Nothing is entrusted to wise and good men. Even pardon is excluded from the theories of those speculators, who considering pardon as a dispensing with the law, would tear this jewel from the British crown.

Under the British system, the human law is qualified in its application by the moral law, so that it falls with severity on those only, who, morally speaking, are fit objects of it. Thus, human law and justice go hand in hand. The other system is founded (as has been well observed) in "unenlightened presumption," and would, by its unskilful attempts to improve human laws, banish justice from human tribunals.

There may be, indeed there must be, cases, in which human necessities must compel the moral code to depart from the human tribunal, and the dread sanction of the human law must be enforced on him, who, as a moral agent, may little deserve punishment. These are fearful contemplations, which oblige us to harden our hearts. Our reason approves, but our eyes weep. I have deep and trembling sensations on these subjects, but I cannot express them. No image to my mind is so awful, as that of man sitting in judgment upon man. Though imperious necessity stares me in the face, and commands the dreadful duty to be performed, I still exclaim, who are we that we should judge one another? I feel beat down and overcome by the sense of human infirmity, of human ignorance, and of our miserable, narrow, and imperfect views. Nothing supports me, nothing consoles me, but a trust in the other and mightier principles, in the other and mightier wisdom, in the other and mightier means, which govern the affairs of men.

Sir, if the year which has passed over our heads, has encreased the motives of my honourable and learned friend to persevere, in again submitting his Bills to the consideration of the House, it has encreased also my conviction of their inexpediency. The year, which has passed, has not only enabled me to reconsider my former opinions, and the grounds of the part I have before taken on this subject; but it has offered new and most valuable matter to my consideration. The Chinese penal code is new subject matter offered to the contemplation of all Europe. It is impossible to praise too much the meritorious assiduity, and the almost incredible labour by which such a work has been added to the literature, and to the legal, and political materials of the western parts of the world; nor can I too strongly recommend to the perusal of those, who hear me, the admirable, profound, and enlightened comment on this code, in a deservedly admired periodical work, published at Edinburgh, not many months since. In that excellent comment, the excessive and unprofitable accuracy and minuteness of the regulations of the code are very ably exposed, as well as the constant desire to regulate every thing; to interfere in every action, and to fix immutably, before hand, the effect of every shade of distinction, which a case may receive from its circumstances. By this code, the whole actions of a man's life are submitted to the controul of government: the legislator, seeming to forget the suffering and debasement, that was to result from the destruction of individual freedom, and seeming only to think of permanent controul and complete superintendence. The commentator most successfully points out the absurdity of the minute and anxious attempts at accuracy in distinguishing cases and proportionate punishments; and observes, that these minute regulations have their origin in "unenlightened presumption:" experience proving, that the exact apportionment of punishment is unattainable, and not even worth attaining. In almost all cases, he says, of variable delinquency, the law need only fix the maximum of punishment, leaving it to the judge to give effect to such circumstances of mitigation as may arise: all beyond this is "foppery and childishness." He continues, however, to observe, that it is not a little remarkable that this exact adaptation of pains to offences, (which we have seen is always attempted in ignorant times, and abandoned in those enlightened,) is recommended by Mr. Bentham. But I will not detail further the admirable observations of this commentator, but will venture generally to recommend the whole comment to the perusal and consideration of those who hear me. Sir, I will venture also to recommend to the perusal and consideration of gentlemen, another excellent comment in the Edinburgh Review of April, 1804, on Mr. Bentham's "Principles of Legislation, published at Geneva, in 1802, by M. Dupont." The commentator observes sarcastically, that M. Dupont is persuaded that this publication must make an epoch and a revolution in the science of which it treats. Indeed, every body now seems desirous of creating new eras, and introducing new systems of logic, ethics, and legislation. But I will not go into the details. The commentator, however, well observes that there are innumerable cases, in which the advantages to be gained by the commisson of the crime, are incalculably greater than the evils to which it may expose the criminals; and he ridicules Mr. Bentham's idea of exactly apportioning punishments, and thinks "our undistinguishing grossness better than such foolery." Our undistinguishing grossness may perhaps be the effect of our foggy and impure atmosphere, and suited to it: and Mr. Bentham's work may be better suited to the pure air and more wild and romantic scenery of the country in which it was published; a country fitter for lofty speculations; a country, indeed, which afforded the first cradle, and first fostering care, to those effusions from Ferney and Moutiers Travers,* to those aspirations after a greater good, and a more entire freedom, and to those attempts to refine, improve, ameliorate the supposed degraded state of society, of moral sentiment, and of law, which, in their operation, have spread misery over half the world, and, by their re-action, have enslaved the very country which gave them birth, and in which had been once found the stoutest champions of liberty. Sir, I also felt it to be my duty again to consult the works of Dr. Paley, and to reconsider his observations on these subjects. I would say something on them: but I have trespassed too long. I am very thankful, very deeply and sincerely thankful, for the indulgence which has hitherto been extended to me. I will not abuse it. There have been times, and there have been those,* who could discourse on such subjects, not only without fatiguing the House, but keeping their attention alive in one continued stream of delight and admiration:—those times are past—those men are gone; and we are left to toil on in the dark, sorrowing, as well as we can. One thing, however, I must say, as to Dr. Paley, that I think my honourable and learned friend was perfectly correct in asserting as he has done, that what Dr. Paley calls the system of the British penal code, was not a system in the ordinary sense of the word; but grew gradually by detached acts both of legislation and of administrative jurisprudence, to be what it now is. But, I am persuaded that if gentlemen will consult Dr. Paley, they will find that he does not use the word system in the limited sense of the word; but he speaks as if he was an artist, contemplating the work of art, and he points out those features of our criminal jurisprudence, which, he conceives, characterise and distinguish it.

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* Residences of Voltaire and Rousseau in Switzerland.

* When this Bill was last year under the consideration of the House, viz. May 1st, 1810, Mr Windham defended the doctrines of Dr. Paley in a speech of great length and unrivalled ability. He died the beginning of the next month.

God forbid, that British laws, or British institutions, should ever be supposed to have grown out of preconceived systems; nor should ever, at any time, be cut and carved so as to be squared to any man's preconceived systems! The moment we so deem of them, or so dabble with them, our liberties and happiness are at an end. Sir, it is not necessary for me to contend, that there may not be other systems more effectual for the prevention of crimes, than the one adopted in this country; nor is it my purpose so to contend. Indeed, I believe that other systems are more effectual for the prevention of crime. I only say that if in this country, there is little preventive justice there must be much penal. I even admit that preventive justice is more operative than penal. In countries, in which have been introduced the *patria potestas*, the domestic jurisdiction of the heads of families, multiplied tribunals, spread without a gap throughout the land, justice brought, as it has been called, to every man's door, a well organised, powerful, armed, vigilant and indefatigable police, the perpetual superintendance of authority, public and private, every where on the watch, with eyes that never sleep, so that no man is for a moment out of the sight and influence of those who have controul over him. I am indeed ready to admit, that in such countries, there may be few crimes. But we buy exemption from crime too dear, if we purchase it by the loss of happiness and virtue. We may be so swathed, and swaddled, as not to be able to commit crimes. Destroy the free action of our limbs, put us into leading strings, and give us the go-cart, we may have few vices and few crimes, and may become a very pretty behaved and contemptible people. Under such a system of preventive justice as I have described, a system of penal justice might be expected, to be found more conformable to those characteristic features of that more perfect criminal code, which we are all able to conceive in our minds, and on which the theorists so frequently insist. We might well expect to find punishment more mild, more definite, more proportionate, more certain, and mor speedy. No man can be less disposed than I am, to undervalue the works of the theoretic writers on these subjects. In many instances, I greatly admire and applaud their labours. I have read much of their reasoning with delight and instruction. Such contemplations sooth, cleanse and refresh the mind. We seem to breathe more sweetly and freely, when no longer *in fæce Romuli, sed in republicâ Platonis.* I do not complain of the theories, but of the misapplication of the theories. These theories find their way, from the speculative works of the abstract reasoners, even into the petitions which now lie on the table of the House. There are two petitions now on the table, from two different bodies of manufacturers, residing in parts of the united kingdom very distant from each other. The one is a Petition from the master calico-printers in the vicinity of London; the other from the proprietors of bleaching grounds in the north of Ireland. The petitioners are divided in local situation, but not in sentiment; for both petitions are word for word the same. Both request us, in due conformity to the theories, to substitute certainty for severity of punishment. They seem to think it is only necessary for them to ask for us to give: and most happy should I be to comply with the request, if it was in human competency to grant the boon. It may be perfectly true, as a theory, that certainty of punishment is more efficacious than severity. Assuredly, if every misdeed was sure to be punished, it would not be necessary that punishment should be severe; and the certainty of an adequate punishment might alone be sufficient to repress the offence. But how can this be in human affairs? If when I stretched out my hand to do evil, an invisible hand smote me, it might not be necessary that it should strike hard, or strike often. If, from the perversity of my passion, I should still persist, and the blows were to become more frequent, and more severe, I am nevertheless willing to hope, that mild and certain chastisement would be abundantly sufficient to keep me within the path of my duty. But, in human affairs, where is this invisible hand? How can we secure certainty of punishment? Certainty of punishment implies certainty of detection, certainty of prosecution, certainty of sufficient legal evidence, and of witnesses disposed to give it, certainty of conviction, and of the correct views and clearness of understanding of the Judge and the Jury, certainty in the disposition and intelligence of those to whom it is intrusted to qualify the operation of the laws. How, I repeat it, can we secure this certainty? Sir, I sadly fear that human laws, proceeding upon human necessities, and not upon abstract ideas of justice, must, to secure the end and object of those laws, compensate by the severity of their sanctions for the uncertainty of their execution. The magnitude of the threat must be proportioned to the uncertainty, and to the distance of the period at which it may be carried into effect, and to the degree of probability of its never being carried into effect at all. This uncertainty, this distance, must vary in different countries. Even in the countries to which I have alluded, considerable allowance must be made on these heads. We are not, in making these calculations, apportioning a certain degree of moral guilt. The man who suffers is often an object of pity, of the most lively compassion. He may create the most agonizing sympathy in his favour. Every body may wish he may escape, as well those who try him, as those who are spectators of his trial. As a moral agent, his guilt may be minute; as a moral agent, he may be spotless. His motives may have been meritorious, even sublime. Yet, from human necessities, which look to actions and not to agents, he may have to suffer. Even his father might have to pass sentence upon him. Does he then deserve punishment? As a moral agent, assuredly not. Nor does human law visit him, because he, as a moral agent, deserves punishment, no. Others must be deterred by his suffering from his action. He may die a martyr. He may go to his reward, under another dispensation. Was Manlius' son a wretch deserving death? Yet his death laid the foundation of that scrupulous military obedience, from whence was derived all the triumphs and glory of his country. Human laws must be so contrived, that criminals must feel that they will be losers. They must feel that crime is not a profitable trade. And without severe sanctions, it is not easy to conceive a more profitable trade. There are many cases where a criminal would be a gainer, even though detected and punished. But how enormous are his gains, when the uncertainty of detection, prosecution, &c. &c. is taken into account. It is 500 to 1, that he is never detected: It is 100 to 1, that the legal evidence is insufficient, &c. &c. and 10 to 1, on many other events. These chances must be counterbalanced by a proportionate increase of the terrors of the threat. In free countries, these severe sanctions are the more necessary, from the jealousy which subsists, as to that perpetual superintendence and controul, which in countries differently constituted, lessens the number of crimes, from the nature of laws and from the elaborate and scrupulous process by which they are administered; from the nature of our manners, habits, character, customs, and opinions, severe sanctions have found their way into our code. We should not be very fond of the invisible hand, which should check the pen while it was writing, and not after it had written; and the hand, while it was acting, and not after it had acted, lest actions should ripen into crimes—destroying thus all free agency, and of course all the energies of virtue. These characteristic differences, in nature, mode of operation, and in immediate and remote effect, between penal and preventive justice, abundantly manifest themselves in the history of free states, where it will be found, that the lessening of penal sanctions has led to the multiplication of preventive means, and thus, by the introducing of maxims of jurisprudence, and modes of action unsuited to free states, by the gradual progress of human affairs, the character of the nation has altered and conformed itself to the change which had taken place in its maxims. So that the taking off of penal restraints, which would naturally seem to increase freedom and happiness, has in fact been found to have destroyed them both. Sir, I am well aware, that these observations which the House has to indulgently permitted me to submit to their consideration, do not all directly apply to the particular bill immediately before us. I am willing, however, to hope that they are not wholly inapplicable, or indeed of very remote application. But, when so many erroneous ideas are entertained respecting the human and the moral codes, when such a disposition manifests itself to misapply even the more valuable theories of speculative men, and when the whole frame and policy of our criminal jurisprudence has been called in question, in the arguments and reasonings which have been brought forward in support of the alterations proposed, it seemed to be the bounden duty of those who seriously entertained different views, after long and diligent meditation on such subjects, not to let their opinions remain in silence, but to add their feeble voice to the sentiments of those enlightened men, who, in a system of seeming severity, have observed the true elements of justice and mercy. Sir, the Bill immediately under the consideration of the House, seeks to repeal an act passed in the 12th year of queen Anne, which took away the benefit of clergy from persons stealing in dwelling houses, goods of above the value of forty shillings. Let us see what this statute of queen Anne is, on what inducement it was enacted, and what evil it proposed to remedy? The preamble recites, "Forasmuch as divers wicked and ill-disposed servants, and other persons are encouraged to commit robberies in houses, by the privilege as the law now is of demanding the benefit of clergy." Is this preamble false? It is a practical assertion of a fact made by practical men, and of a fact established by the experience of several years. The House will recollect, that, at an earlier period of queen Anne's reign, the law respecting the benefit of clergy had been modified, so that larcenies ceased to be capital felonies. Such an alteration in the law would naturally produce a great change in the minds of men: and the preamble of the 12th of Anne, to which I have referred, states this alteration to have actually taken place. It states, that persons had been encouraged to commit offences owing to the alteration in the law; and therefore it revives the old system, as to aggravated larcenies committed in dwelling-houses. There is no theory in all this. It is the reasoning of practical men on matters within their knowledge. How happened it, that the alteration which had taken place in the ancient system, in the beginning of queen Anne's reign, had not lessened the number of crimes? Larceny had ceased to be a capital offence. Of course, therefore, prosecutors would not decline prosecuting; witnesses would not withhold their evidence; juries would not commit pious perjuries, &c. &c. Certainty had been substituted for severity of punishment.—But I wander—I will return to my statement. Our ancestors state plainly and distinctly, that the received ideas of guilt had been disturbed, and that persons had been encouraged to commit offences, owing to the alteration of th law. Is this statement false? Even, if w were not much disposed to reverence th assertions of our ancestors, or the principles on which they acted, I repeat, is thi statement false, or likely to be false? Is not manifestly likely to be true? Now what says the Bill on the table? The preamble of the Bill states, that the act of th 12th Anne "had not been found effectua for the prevention of the crimes therei mentioned." How is this general assertion to be established? Indeed what is th meaning of the assertion? It is said, that certain law has not been found effectua for the prevention of a certain crime Why! what law ever was? Is it meant that there are more robberies committe in houses now, than there were in quee Anne's time, or in the time of George th first, and George the second? It would b very strange, if there were not, considering the great encrease of population, an the still greater encrease of houses, and i the amount and value of personal property Is it meant that robberies in houses have encreased within the last ten years? I would be equally strange if they had not The closer our population treads upon the means of subsistence, the more the channels for the outlet out of the fabrics of ou productive labour are impeded, the greate the competition of labourers for employment, and the greater the necessities o those who cannot find employment at all, the greater, I fear, will ever be the number of crimes, and the less will it be found that any human law can be effectual for its purpose. I should be very unwilling to believe, that the habitual, almost uniform lenity, with which the law has been executed in late years may have contributed to the encrease of this offence. It will hardly be contended, indeed it does not appear to have been ever contended by any one, that cases of robberies in dwelling-houses, by the confederacy of servants, and other circumstances of aggravation, have not been, and may not readily be conceived to be, among the most atrocious of crimes. I will not put cases. They are too obvious. Is the law then too severe? Or do we not inflict, not merely hold out the threat of capital punishment, in cases, which, in point of moral malignity, are of a much less atrocious complexion? No, say the supporters of the Bill, we do not complain that the law is practically too severe. We say it is nominally too severe, but practically not severe enough. It would not, indeed, be very easy to prove that its sanction is, even nominally, too high; if it is admitted that cases have occurred, and may occur, when such robberies would be among the most atrocious of all crimes, much more atrocious than those upon which capital punishment is uniformly inflicted. But I only state their argument. They say the aw is nominally too severe, practically not severe enough. It is the practical result of a law, which gives its real operation. In order to make it practically more severe, we must make it nominally less severe. The criminal looks to practical results. In his meditations he reflects, that prosecutors decline prosecuting, juries acquit, judges mitigate, kings pardon, nobody s ever hanged. It might be observed, that this is rather a whimsical series of supposed facts; for juries could not acquit, unless prosecutors prosecuted; judges could not mitigate, unless juries convicted; and kings could not pardon, unless judges passed sentence. But let us imagine and admit the criminal to be moved and seduced by the instigation of a strange species of logic, and to arrive at the conclusion, that he may safely persist in his courses. What are the meditations of the prosecutor on this same notable series of supposed facts? He also reflects, juries acquit, judges mitigate, kings pardon—and what? That nobody is ever hanged?—No. He is seized with a fit of trembling, on arriving at the conclusion, that every body is hanged; and he, of course, declines to prosecute. So that from the same premises they arrive at different conclusions, the one that nobody is hanged, and the other that every body is hanged, and thus the one, devoid of terror, continues his depredations, and the other, full of terror, forbears to prosecute. Supposing these premises from which prosecutors and criminals reason, to be correct, it would not be very easy, according to any theory of our passions, to explain how it happens that they arrive at such different conclusions. I do not limit my observation to the premises which I have stated, or to the manner in which I have stated them. But I wish gravely to observe, that supposing the criminals and prosecutor equally to contemplate the existing state of the law, and the mode of its administration and of its application, it would not be very easy to explain how they can arrive at such different conclusions. For whether men are most disposed to believe what they wish, or to believe what they fear; whether in the lottery of good and evil, we expect more intensely to acquire the good or apprehend more intensely to incur the evil, the problem is equally of difficult solution. But the problem is not worth solving, for neither the criminal or the prosecutor do in fact so reason or so act. Prosecutors, naturally enough, are unwilling to prosecute, and happy to avail themselves of any pretence which may seem creditable. Men do not even enforce their civil rights by legal process. They acquiesce in civil injuries, injuries often of considerable magnitude, sooner than incur all the harrassing and uneasy circumstances of suits at law. But is the civil code therefore useless, because men decline to call it into action? Indeed it is much more conducive to the general happiness of the community, that men should occasionally acquiesce in evil, and should temporize, manage, mitigate, compromise, than that they should be always appealing to the contentious intervention of the law. I do not know that it would be an advantage to the community, that every crime should be prosecuted, and nothing left to morals and workings of men's hearts towards each other. So also as to witnesses. Witnesses keep out of the way in civil cases, as well as in criminal, from delicacy, indolence, pusillanimity; and they always endeavour to assign, and often succeed in assigning, some reason which may be creditable. With many, the dread of fatigue, inconvenient hours, bad air, confinement, weighs much. To some, the mere circumstance of appearing in court, all eyes and ears directed towards them, the forms of examination and cross examination, seem perfectly terrific. To all they are very irksome and unpleasant. How frequently do we find prosecutors declining to prosecute, in cases of misdemeanor, and even in cases of great personal injury. Must we alter the laws respecting misdemeanors on this account? Witnesses here also conceal themselves. Even, while, the misdemeanor is being committed, they will turn their backs, run away, that they may not see what happens, lest they may be called as witnesses. In cases of simple felony, we all know how unwilling men are to prosecute, and how continually they decline so to do. The truth is, that the duty of prosecuting is one of the burthens imposed on individuals by the system of British jurisprudence; and none of us are quite so fond of our duties as we are of our rights. Indeed every man who has ever had the painful task of prosecuting, imposed upon him, must too well know, that it is not one of the pleasures of life. This is true, with reference even to the more opulent part of the community, and to those who may have leisure; but with the lower orders, the sense of the evil is aggravated by the expence and loss of time, the removal from their families, and other inconveniences.—These very irksome and uneasy circumstances apply equally to witnesses. Indeed they apply also in great measure, even to the jurymen, and to all who either preside, assist, or in any way attend the administration of the laws. And yet my honourable and learned friend hopes to increase generally, throughout the community, the sum of human happiness by multiplying the causes by which happiness is destroyed. The object of the Bills of my honorable and learned friend is to encrease the security of property, by lessening the amount of depredation on property. But property itself is but one mean of happiness, and it is in vain we render that mean of happiness more secure, if, by so doing, we subtract a greater amount of happiness in another place by the operation of other causes. I, however, distinctly deny that his Bills would have the effect of rendering property more secure; for I am persuaded they would at once render property less secure, and men more miserable.—It should never be forgotten, that even a multitude of mild punishments might produce a greater sum of human suffering, and a greater diminution of human happiness, than a small number of severe punishments, without more effectually obtaining the end proposed, which end is the prevention of a species of action materially injurious to the community, and not an infliction upon the agent of so much suffering, as a retribution of so much moral guilt. I am perfectly ready to admit that there may be prosecutors who decline to prosecute, and witnesses who keep out of the way from the motives assigned by those who support the Bill. We know that motives of this kind influence even large bodies of men, where external depredation is the subject matter of their reasonings, and not merely an internal depredator.* This may be an evil. It is, however, far from so great a one is imagined; and it is counterbalance as the law now stands, by more than commensurate good. For it does not fo low, because our system is such, as t induce many not to prosecute, that pro perty is therefore less secure than it woul be under another system, which should in duce every man to prosecute, who happen ed to be able to detect a depredator and t possess sufficient legal evidence against him Nor, Sir, do criminals reason or act in th manner which has been imagined. A the law now stands, the person who feel the disposition working in his mind t commit the crime, endeavours to calculat the extent of his danger. He finds hi views very indistinct. He seems ignoran of the objects which surround him. H finds every where confusion, uncertainty and obscurity. A kind of darkness seem to envelope him. The terror of the law swells in his imagination. The haze magnifies it. He cannot measure its size o shape. When we know the extent of a danger, how much of our apprehension immediately disappears? Let any man look into his own mind on such a subject as this; or consult his recollections in childhood or in early youth, and he will find how much the laws have interwoven themselves with the other institutions, and the other means which have contributed to form and fashion his mind. I well remember the different sensation which I experienced, on first hearing, that for such an act, a person might be transported; but for such an act he might be hanged. The idea of being transported conveyed little terror; I was able to measure and comprehend it; but the other idea was indefinite and truly terrible. I even doubt whether the phrase, 'might' be hanged, did not agitate the feelings more, than if the phrase used had been 'must' be hanged. Be that, however, as it may, it is obvious, that, to young minds, on which the silent and invisible workings of the law are most operative, in the forming of habits, manners and character, when the spirit of adventure and love of novelty is ardent, the idea of being sent to new and distant climes conveys few terrors, even to those who are happily tied and connected to the society of their native soil. How little, therefore, can such an idea operate on those who are loose upon the world. It is one thing to present to the imagination of a boy, consequences, which seem to open to his view new and interesting scenes of adventure, and a very different thing to present to his imagination, that last consequence, which awfully closes the scene of adventure for ever. I confidently assert, that every man who hears me, will be convinced on this subject, if he will but take the trouble to look into his own mind, and consult his own recollections. Let us study ourselves, and commune with our own hearts: do not let us first create in our imaginations a new man, and then make laws to fit him. But if authority could be wanted, or necessary, on such a subject, I am enabled to state distinctly as a matter of fact, that criminals do so reason, so feel, and so act. I am enabled to do this, from conversations I have lately had with a person of that intelligence, that rank, and of that high trust, not long since, in our settlement at Botany Bay, and who has so lately returned from that country that his recollections are fresh on the subject. The House may not be aware, that, as the crown has its police officers and law officers for the security of persons and property, so also have those, who prey on persons and property, their public offices and law officers. They have their attorney and solicitor-general as well as the king. The general object of the questions, put to their learned advisers, is to ascertain, how such and such acts may be done, so as to avoid the operation of those statutes which take away the benefit of clergy. As soon as the bearing and operation of the law had been explained, and the several distinctions completely understood, and it was found that the project, if executed in a particular manner, would only amount to a simple transportable felony, the adventure was undertaken as a matter of course. They had calculated the amount of the danger, and were prepared. Their great reliance always was, that they should not be discovered at all, which their practice and dexterity rendered almost a certainty, or even, if there might be grounds of suspicion against them, that there would not be sufficient legal evidence. No branch of the law was more studied than the law of evidence. These were the great points to which their attention was directed, and, if the worst came to the worst, they knew they should only have to pay a visit to Harry, Tom, or Sue, or some old acquaintance beyond sea, who had so mismanaged their business as to have been stupid, and unlucky enough to have been detected, prosecuted, convicted, and transported. This was the sort of language invariably held by all the convicts, with whom my informant had occasionally conversed on such subjects, during the time of his holding a public situation in that country. But he remembered having learned from one convict in particular, a whimsical anecdote, respecting great doubts, and difficulties, and discordancy in opinion, between their attorney and solicitor-general, and their other law officers, whom a gang, to which the convict belonged, had consulted, as to the safest mode of robbing waggons. All sorts of intricacies presented themselves, and perplexities, and distinctions (whether well or ill founded matters not) about robbing waggons on the highway, in motion, at rest, at inn doors, in inn yards, under sheds, or not under sheds, &c. &c. Nobody could understand the subject. Nobody felt certain what the consequences would be. What was the effect of this uncertainty, this confusion, this obscurity, of this unknown danger, of which they could not calculate the extent? Why, that the poor waggons escaped scot free. Nobody would venture to touch them. Such are the admissions, such the statements, and such the modes of reasoning, and of acting, of those miserable men, on whose minds the laws are to operate. And if the minds of those who are practised in depredation so reason, how much more so will the minds of those so reason who are for the first time meditating to depart from the path of their duty.—Such then is the authority of the criminals themselves. What is the authority of those, who from the nature of their judicial situations, have their attention constantly and practically directed to this subject, and who are almost daily in the habit of observing how the laws operate upon the mind? I refer to their view of this matter, as to that of spectators, who see the object nearer than we do. I do not quote their opinions, as authority, to govern or direct the conduct of the House. I appeal to them as witnesses. I refer to the evidence of intelligent, respectable and enlightened men. And feeling as I do, the extreme importance of ascertaining the opinions of practical men on these subjects, who have a closer and more continued insight into the operations of the criminal law than we can have, I am very anxious to be permitted to read, as part of my speech, certain Questions, which have been proposed to very able and experienced magistrates, the law officers of the city of

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* Alluding to the opinion of the Quakers as to war.

London, together with their Answers to these questions. I repeat that I do not do this, as if I was referring to authority, which ought to govern our conduct; but merely as to materials, which may contribute to enlighten our judgment.

"Questions proposed to the Recorder and to the Common Serjeant of the City of London, together with their Answers.

QUESTION I.

"What has been the effect of the act of parliament which took away capital punishments from privately stealing from the person?

ANSWERS.

The Recorder.

"The effect of the act of last sessions, in my opinion, has been to encrease the number of offenders, and consequently the number of convictions.

The Common Serjeant.

"I have not observed any beneficial effect as yet, resulting to the public from the repeal of the 8th Eliz. c. 4, which took away the benefit of clergy from the offence of privately stealing from the person.

QUESTION II.

"Has it been found by experience that the number of pick-pockets has encreased since, or diminished?

The Common Serjeant.

"The information which I have collected in the course of my official duty, has satisfied my mind, that the offence of larceny from the person has very much increased since the repeal of the statute above mentioned, and that the offenders of that description have become more numerous, more united in gangs, and that they carry on their depredations more systematically, and with greater boldness.

QUESTION III.

"Was there, before the act passed, any reluctance in prosecutors to prosecute for this offence, or in jurors to convict, if the evidence was complete?

The Recorder.

"I am not aware of the least reluctance in prosecutors to come forward and prosecute, as the law formerly stood, nor did I ever know a jury loth to convict, when the evidence was complete.

The Common Serjeant.

"The above-mentioned statute applied to any value exceeding one shilling, and in prosecutions where the value of the stolen articles was very trifling, I have observed a reluctance in juries to find the prisoners guilty of privately stealing; but in cases, not of that description, I have not found more unwillingness to apply the law to that species of offenders, than to a thief of any other class.

QUESTION IV.

"What is, at this time, the state of the metropolis in respect to crimes? Which are most prevalent, and most difficult to be guarded against?

The Recorder.

"The crimes most prevalent in the city of London and county of Middlesex, and which are most difficult to be guarded against, I take to be stealing to the amount of 40*s.* in a dwelling house, and stealing to the amount of 5*s.* privately in a shop. But offenders of the first description, viz. for stealing in a dwelling house, are nearly as numerous as all the other offenders subject to capital punishment.

The Common Serjeant.

"Offences against the personal security of individuals are not very prevalent larcenies. The larcenies from the person, and from shops and warehouses, are arrived to a very high pitch; but above all larcenies from dwelling houses, and those particularly through the agency of menial servants.

QUESTION V.

"Is it advisable or safe to take off the capital punishment from shoplifting, stealing from ships, &c. in canals and navigable rivers, &c. and from a dwelling house, without breaking, and without being a burglary?

The Recorder.

"I certainly do not think it advisable to take off the capital punishment in the three cases alluded to, viz. stealing to the amount of 40*s.* in a dwelling house; the stealing goods to the same amount on a navigable river or canal, and the stealing goods of the value of 5*s.* privately in a shop. But whether any and what alteration should be made as to the amount of the value of the goods stolen, might deserve some consideration.

The Common Serjeant.

"I am most fully convinced that the repeal of the 10th and 11th Will. 3, and of 23d and 24th Geo. 2, c. 45, would be very unadvisable and very unsafe. And, in the present depraved state of the domestic and other servants in the metropolis, I cannot possibly conceive any measure, more big with mischief to every private housekeeper, and to every tradesman, than the lessening the severity of the 12th Anne, stat. 1, c. 7."

Such then are the views which these intelligent and experienced magistrates have of this subject.

Sir, notwithstanding all I have said, notwithstanding all the general reasoning which I have urged, all the authority I have referred to in support of the main character and features of the British system of criminal jurisprudence, I am anxious not to be misunderstood, as if I confounded things most distinct in all reasonings on law, morals, and on all subjects of human contemplation, namely, general truths, and universal truths: or as if from my being deeply impressed with the general truth of the observations I had submitted to the House, I had rendered myself blind to every defect of our penal code, and considered every part of it as equally incapable of amendment. I am very sensible that many of the objections which have been stated, that many of the inconveniences which have been experienced, are well deserving of an attentive consideration. But I am equally persuaded that they admit of their appropriate remedies. The alteration which has taken place in the value of money, should be provided for, by a proportionate alteration in the law. I should have no objection to increase the amount of the value of the thing stolen, very considerably; so as to do away that disposition in juries and witnesses, to shut their eyes to facts, respecting the real value of the thing stolen. I am willing, in the case immediately before us, of stealing in dwelling-houses, that the amount of the value should be raised from forty shillings to forty pounds, if that should not be thought too large an increase. It should not be raised very high, for a criminal should feel that he is playing a losing game: and in cases where large sums are stolen, and dexterously disposed of, a criminal might be a great gainer, even though detected and punished.

I have also occasionally been disposed to think, that it might be an improvement in our law, to permit an election to the prosecutor, to proceed either for the simple, or for the compound larceny. This, in point of fact, is often permitted by a kind of indulgence. Compound larcenies are frequently tried at the assizes as simple larcenies, by omitting to insert in the indictment the circumstances which give the new character to the offence. It often happens, however, that during the trial, it appearing by the evidence that it was an aggravated case of compound larceny, the judge directs the indictment to be quashed, and a new bill to be preferred for the specific offence. That which has been done by indulgence, I have thought it might be expedient to permit to be done by law; I have been inclined to imagine, that this election so to be granted to prosecutors, would have several good effects: criminals would feel there was a double discretion; the discretion of him whom they might injure, and the discretion of him, by whom they might be tried. This feeling would produce a strong moral effect upon his mind; criminals who might sink under temptations, would still so act, as not to be unworthy, as far as might be, of the lenity which might be extended to them from either quarter. A man acting under such impressions, seems to be acting under a continued and indefinite controul, which softens and amends his heart, even in the midst of crime. The system which attempts to affix prospectively an exact punishment to an exact offence, antecedently endeavouring to define every shade of distinction which a case may receive from its circumstances, trusting nothing to the discretion of the wise, and the good, and thus presumptuously making the human code all in all, hardens men's hearts, and destroys all moral sentiments. Criminals become sober calculators, and know how to measure and weigh, and appreciate the quantities on each side of their equation? Sir, I am not anxious to encourage the breed of these senior wranglers in crime. I submit this suggestion respecting the election to be permitted to prosecutors with great diffidence. I am aware of objections. But looking as I do to the effects which laws ought to have upon the mind, I have been willing to communicate this suggestion to the House, as a matter perhaps not wholly undeserving consideration. It is indeed true, that, by the law, as it now stands, much of this effect is already produced, and men already feel that the severity of the law is never likely to visit them, unless their actions evince moral depravation, atrocious malignity, or confirmed habits of evil. It is this feeling which forms the character of a people. Laws, customs, manners, habits, character, act and re-act upon each other. They are fearfully and wonderfully blended together; operating at once, as both cause and consequence. Sir, our system has formed the character of the people. And what a people! Those can best speak of them who best know them. If our system of laws is different from other more admired systems, so also is the character of the people. And may it continue different! Oh! let us pause before we introduce changes, founded on new maxims, derived from other sources, applicable to other states of society, and supported by doctrines avowedly calling in question the whole frame and policy of our criminal jurisprudence. Do not let us think meanly of ourselves, or suffer others to imagine, that we are savage, unfeeling, ignorant barbarians, who know nothing either of the principles of legislation, or of the principles of humanity and justice. Are we to cast about for instructors on such subjects? We are a nation grown grey in the contemplation of moral, legal, and political truths. No country on earth has had so many minds, for such a series of years, engaged in such contemplations, and in attempts by every species of arrangement, moral, legal, and political, to increase the liberty and happiness of the people. How comes it then that our laws are severe? It is because we love freedom and happiness; because we are jealous of previous restraint and controul of our actions; because we wish to avoid the teasing vigilance of the perpetual superintendence of the law; because we would not purchase exemption from crime, by the loss of virtue. If, from the want of this superintendence and controul, crimes are more difficult to detect; if, from the nature of our modes of trial, and from the scrupulous and jealous exactness with which testimony is scrutinized, criminals are with more difficulty convicted, and we have been thus obliged to counterbalance these inconveniences by the terror of severer sanctions, such sanctions are the price we pay for our liberties. And cheerfully ought we to pay this price, even though we were convinced that, by other courses of action, we might have fewer crimes. But have we failed in obtaining the objects we have sought? We have every way attained them. We have formed the character of a people, which I will not trust myself to describe, but which I trust I shall never live to see altered. Have severe laws made us cruel, or humbled or broken down our spirit? Are we a mean, creeping, overawed people? I never look at the people without feelings of respect, affection, and admiration, which overcome me. Kind, generous, magnanimous, resolute, yet full of compassion; with a courage dauntless and inexhaustible; but with hearts tender as the bosom of a dove. Let us look at the people and pause. Even with respect to that part of their character, to which the Bill now under consideration more immediately relates; I assert, that there is not on the face of the earth, a people among whom the propensity to thieve prevails so little; notwithstanding the immense amount and value of our personal property, which our commercial prosperity has amassed, and which the nature of our commercial habits and intercourse necessarily displays and exposes to depredation. Sir, I repeat that we have every way attained our object; we have attained at once the benefits of the terror of human laws, proceeding from human necessities, and the benefit of the moral laws, proceeding from justice. As in our political institutions, we have succeeded in uniting *res olim dissociabiles, imperium et libertas.* So in our system of jurisprudence, we have succeded in uniting things full as difficult to reconcile, *Lex et honestas.* We have fashioned and taught a people to respect the law of the land, without having at the same time weakened their sentiments either of honour or morality. Shall we introduce new maxims into our jurisprudence, and risk altering the character of such a people? If we doubt for a moment, we ought to reject the measures proposed. We must not forget that we are repealing old laws, and not enacting new. I earnestly conjure the House to pause, as they prize liberty, as they prize benevolence, and that real humanity which seeks by enlarged views to encrease the sum of human happiness. I would conjure them to pause, as they love the people, as they admire their character, and as they would keep alive for ever in their hearts, that lofty, fearless, independent spirit, the best fruit of our liberties, and the surest foundation of individual happiness, and of the nation's glory, prosperity, and power.

Sir *John Anstruther* said, if he thought the motion of his hon. and learned friend ontradicted any settled opinion, or enroached on any established principles of he constitution, he should be one of the ast men to rise in its support. But he beieved that neither he nor his hon. and earned friend were remarkable for any xertions of a mere political tendency gainst the ministers of the crown or the overnment of the country. The question efore the House was of a very different ature, and perfectly unconnected with ny considerations on the general frame nd policy of the government of the ountry. Its object was not to innovate n the ancient principles of the law, but o bring back the law to the principles of ts ancient standard. It was undeniable, hat new penal enactments took place frequently, with very little attention or examination on the part of the legislature. New felonies were often created on the spur of the occasion, according to the prevalence of any particular crime. At times, one description of offences became more numerous than another, and the remedy applied to the circumstances of a certain period was generally left unabrogated, and operative in succeeding times, while fresh changes in the complexion of crimes were constantly calling for additional penalties. No one could look at our penal code on paper without shuddering, and the consequence was, that the practice was totally different. The object, however, of human punishments was to deter others; and it was the practice, therefore, that operated, not the theory of legislative provisions. It had been said, indeed, that the advantage to the public was in proportion to the magnitude and severity of the punishment of an individual. Admitting the policy of such a principle, he entertained very considerable doubts of its justice. But the policy itself was bad, and for this reason, that a law of extraordinary severity was seldom or never strictly enforced. The judge found himself impelled to interpose his discretion to mitigate it, because it was not in human nature to separate the consideration of the crime from all consideration of the person of the delinquent.—His hon. and learned friend only wished to bring back the written to the practical law. It had been said that it was impossible to describe all the aggravations of a crime. This was true, a discretion must, in many cases, be left to the judges—but in his opinion, much more might be done towards extending the certainty of the law, and by that means diminishing the cases in which the judges now exercised a discretionary power. The right hon. baronet then dwelt with great force of reasoning upon the pernicious tendency of the multiplied sentences of death pronounced in our criminal courts, while the spectators were perfectly assured that it was not intended to carry one out of the multitude of them into execution. It was also of the last importance that punishment should be proportioned to the crimes, that the people might never be induced to consider the criminal as an injured man deserving of pity for his unmerited suffering, rather than censure for his comparatively slight offence. Prosecutions might indeed, be more frequent for some time, because many would then be satisfied in prosecuting, as the punishment would be proportioned to the offence. But the number of crimes would be diminished, and this was the great object of law. The right hon. baronet concluded, by declaring that he would support the Bill.

Mr. *Macdonald,* though an enemy to rash and ill considered changes, was far from being a friend to that indiscriminate hatred of innovation which extended to the prevention or obstruction of all improvement. It had been asserted, that persons who had been the chief sufferers from crimes often abstained from prosecuting because by law the delinquent might be subjected to a punishment totally disproportioned to the crime. If this was really the case, it was a matter well worthy the attention of the House, and one which ought to be taken into immediate consideration. It had been said, that the same motive which deterred the injured from prosecuting ought to deter the guilty from committing the offence. The cases were widely different. The thief knew perfectly that very few were executed, though the law denounced death—one only out of a thousand. His wants might be pressing, the risk under these circumstances was small, and at any rate the punishment distant, while the gain was immediate. The person robbed of some trifling article might not be inclined to prosecute. The injury to him he might know to be trifling; but the consequences of a conviction he must be aware must be treble to the offender. It had also been argued, and he believed with truth, that juries had almost, from the necessity of the case, assumed a discretion which did not properly belong to them; and that judges were often anxious to get rid of that discretion. Indeed, the judges of this country were desirous of having as little discretionary power as possible. They consented to exercise such a power only because it was necessary for the public interest.—He next adverted to the mischievous tendency of the frequency of sentences of death, when all the spectators must be convinced that hardly one in a thousand would be executed. It was turning that into a solemn mockery, which might be a powerful engine for the prevention of crime; little less efficacious perhaps than public executions. This practice reflected discredit on the law. He would support the Bill.

Mr. *Herbert* of Kerry opposed the bill.

Lord *George Grenville* said, that exaggerated rigour uniformly defeated its own object, and there was a point beyond which its influence would not extend. To punish small crimes with death, therefore, was not only the height of injustice, but it was also extremely impolitic. What opinion would a stranger form of the humanity of England, when he was told that fifty years ago there were more than 160 offences punishable with death. If different gradations of crime, the small and the great, were to receive the same punishment, the greater crimes would be naturally resorted to.—He then proceeded to shew how inconsistent this severity was with the Christian morality, and the danger of lightly condemning a man as unfit to live, who might be more unfit to die. These severe punishments he said, had their origin in the feudal code. It was natural in times of ignorance, to recur to an indiscriminate severity. The most horrible punishment of those times, which was inflicted for parricide, &c. was now laid aside, but the secondary punishment of death for comparative trivial offences, still remained. The law, therefore, either had done too much or too little, in removing the one punishment and allowing the other to subsist. To those who dreaded the consequences of this repeal he would refer to the effects of the alleviation of punishment introduced into Russia by the empress Catherine. Those who objected to the repeal seemed to think that whatever is must be right, for if wrong, it must have been already discovered; and in this manner error was continued from generation to generation. Whatever fate this measure might have at present, he could not but congratulate his hon. and learned friend (sir S. Romilly) on th noble employment to which he had devoted his high talents. Sooner or late the cause he had advocated must triumph because it was the cause of good sense humanity and justice.

Mr. *Abercromby* said, he thought th speech of his noble friend who spoke last as well as the speeches of those who had preceded, partook too much of genera discussion, and seemed rather to wande from the question. One would suppose that a new code was intended to be introduced, whereas the sole object of discussion was a short practical question, whether a law should remain which was almost never enforced, or whether the present Bill, which took away in the few instances where that law was executed capital punishment, was more expedient and advisable? It had been said, what opinions of practical men were there in favour of the Bill? He would say, that they had the opinion of all the judges, and all the jurors who had been in the practice of administering the laws for many years past, in their favour. Practice was therefore in favour of this Bill. It had been said on the other side, that there was no ground of complaint under the existing laws. The single subject of dispute therefore was, whether the disadvantages were such as to warrant the repeal of those laws, or whether the measure of his learned and hon. friend was more advantageous, and admirably calculated for the prevention of crime. One great disadvantage of the existing system was the disinclination of judges and jurors to execute the laws as painful to their feelings. It was mortifying that the people of England should remain so long subject to the animadversion of the people of other countries, either directed against the laws or the execution of them, and that foreigners should have it in their power to make Englishmen blush for those laws which put judges and jurors in such a situation that they could not discharge their duty. He held in his hands an account of the number of persons committed, tried, and convicted during the last ten years. It was unfortunate, however, that for the last five years, the numbers of those who were committed, and those tried, were not distinguished. This list afforded the most complete practical illustration of the disinclination to prosecute. To what other cause could the disparity between the commitments and trials be imputed.

	Committed	Actually tried
In 1802	107	79
— 1803	168	109
— 1804	135	59
— 1805	131	76
— 1806	128	56

This Return being official, certainly alled on the House to consider the cause f this defection in the trials.—As to anoher point, he could add nothing to what ad been already said, namely, that of the ituation of the judges and jurors; but as t constituted a leading feature of the case, e should advert to it. When he recolected that judges and jurors were every ession guilty of that for which they were ertainly not punishable, but which, neertheless, could go by no other name han that of perjury, he certainly did hink, that some reformation was called or. He should unfold a case which was lready stated last session—a case so striking, that it could not fail to make an impresion. A female had stolen a 10*l*. note. The jury returned a verdict for below 0*s*. Nothing could afford a more striking illustration than this fact, of the inconenience to which juries were subjected. Vas it fit that they should continue subect to them? What opinion must a peron who heard the trial, have formed, if ext day he himself should have stood in he criminals' box for perjury? Except n a solitary instance, therefore, of one in thousand, the laws were never executed. t would be found that in the course of he last ten years, 895 individuals were ried, of whom 155 were acquitted, and of he remainder 414 were found guilty of tealing below the value of 40*s*. He vould ask any person, who heard him, if here was the smallest room to doubt that f these 414 people so found guilty, a very great number must have been guilty of tealing to a larger amount than 40*s*. The verdict, therefore, was contrary to act. By repealing these laws a very great relief would be afforded to both proecutors and juries. Prosecutors must be nuch more disposed to come forward vhen assured that the punishment was commensurate to the crime. When his on. and learned friend first stated this isproportion in that House, to men supposed to be possessed of the best informaion, it appeared as a new fact, and exited a good deal of astonishment. Was t, therefore, astonishing, that those whose ituation precluded them from that infornation, should remain ignorant of the leiency of the practice, and should feel the greatest reluctance to prosecute. The necessary and infallible consequence, therefore, of the repeal would be to increase the number of prosecutions, and the number of convictions; and the opinion would become generally prevalent, that punishment would follow the offence. The reasons opposed to this measure were contradictory; for, according to them, it was sufficiently known that the jury, the judges, and the king, mitigated the punishment in practice. Their theory, therefore, held out a punishment which it was known was not to be executed.—He could not conclude without expressing the sincere obligation which the country owed to his learned and hon. friend, not only for bringing forward the present measure originally, but persisting in it, notwithstanding the opposition he had met with. He had now the hope of being at last rewarded for his exertions; for there was evidence that he had made converts of many who had formerly been his opposers; and although he might not be successful this session, yet he had no doubt that perseverance would at last crown his efforts with success, and render him one of the greatest benefactors of the country of which he was at present one of the greatest ornaments.

Mr. *Morris* argued generally in favour of the Bill; and in support of that part of his speech which related particularly to the injurious effects of its being imperative on the Judge by the existing law, to pronounce sentence of death on a person capitally convicted, although he might not have the remotest intention of ordering that sentence to be carried into execution, mentioned an affecting incident which occurred some years ago on the Home Circuit, when lord Kenyon was on the Bench. An interesting young woman was tried for a robbery in a dwelling-house. It appeared to have been her first offence; and there were so many circumstances of extenuation, that the witnesses very reluctantly gave their evidence, and the jury still more reluctantly their verdict of guilty. When lord Kenyon proceeded to pass the awful sentence of the law upon her, the poor creature, who had observed the previous interest which her peculiar case had excited, fell senseless at the bar. Lord Kenyon, who was a man of great sensibility, immediately cried out, in the most hurried manner, "Good woman, I don't mean to hang you, I don't mean to hang you.—Will nobody in the court tell her I don't mean to hang her?" This case made a great impression on himself, as well as every one present. He had frequently heard the same noble lord pass sentence, not only on the prisoner before him, but on the law. He most cordially supported the present Bill.

The *Chancellor of the Exchequer* agreed, that it would be an important improvement on the law, if judges were not compelled to pass sentence of death on those who, at the time of passing sentence, they should be of opinion did not deserve a capital punishment. It would make a wonderful difference, however, if capital punishments were entirely to be removed out of the criminal code in every case connected with the objects of the different Bills now before the House. The case cited by the hon. gent. who spoke last was no doubt calculated to awaken the feelings of the by-standers, but it became the House, in their legislative capacity, to have firmer nerves. The hon. and learned gent. (Mr. Abercromby) had placed the question on its fair footing, namely, whether the alteration was, or was not, on the whole, well calculated to diminish the offences in question. He asked, on this principle, was the alteration proposed best calculated to prevent the offence now more peculiarly under consideration, in those degrees and shades of guilt which it was most desirous to prevent? Would not the severity of the punishment rather tend to check those deeper shades of criminality for which the severe punishments were always reserved? And would not the knowledge that the capital punishment was no longer to operate be an encouragement to the perpetration of those most desperate robberies in the dwelling-house, which alone were at present visited with the punishment of death? He could not agree, however, to the suggestion of his hon. friend (Mr. Frankland,) that an option might be given to prosecutors to lay their indictments capitally or not, as they chose. If this were the case, no offence would be laid as of a capital nature, unless from some improper feeling on the part of the prosecutor. As to the idea that the present measure would contribute to render punishment more certain, that he could not agree to, if by "more certain" was to be understood more defined, for, by the present measure, a greater latitude of punishment than that now in use was allowed. The unwillingness to prosecute, he contended, was not to be attribute solely to the offence being of a capital nature, but to the expence and trouble prosecuting, and to other similar cause He denied that the criminal code of th country was bloody; on the contrar executions very rarely followed ascertained guilt. The right hon. baronet (si J. Anstruther) talked as if the presen measure was not an innovation, but wa only bringing back the law to its origina state. He would be glad to know wha period of our history the right hon. bar meant. Was it the period between Henr the 7th and Edward the 3d, when murde was a clergyable felony? If there was an part of the system proposed by his hon and learned friend (sir S. Romilly) t which he peculiarly objected, as bein more capable of aggravation than another it was that of robbing from the dwelling house, which might be greatly aggravate by being accompanied by more of terror breach of confidence, violence and danger than were likely to attend on robbery or a river, in a shop, &c. He would suppose the case of a servant robbing his lady when probably he was the only other person in the house, where it could not be accomplished without creating terror, or even inflicting violence; or, he should figure a case where a servant awoke his master in the attempt to rob him, and the only means that remained to prevent his becoming a witness against him was to add murder to the robbery. He conceived that the law should remain as it was, that it might prove a terror against the commission of the aggravated species of offences. He must, therefore, oppose the present Bill, whatever might be his course as to the others.

Sir *Samuel Romilly* concurred entirely in the testimony that had been borne by every gentleman who had spoken on the subject, as to the ability and ingenuity with which his hon. and learned friend (Mr. Frankland) had opposed the present measure. He could not but observe, however, that his hon. and learned friend had been rather severe upon him, treating him as one who, so far as the present subject was concerned, was to be regarded merely as a speculator, and not a lawyer—or as one of those dilettanti lawyers, who knew no more of the law than any other person in the country who had never made it his study. If so, and he was really so ignorant on this subject as his hon. and learned friend represented him, he was, indeed, extremely unpardonable. For fifteen years he had been in the constant habit of going the circuit in his professional character; he had been much employed in the criminal courts; and when not employed there, he had been in the constant habit of visiting them, and taking notes for his improvement in that branch of the legal code of this country. But that his hon. and learned friend should be so angry at those whom he supposed to be mere theorists, he confessed surprised him a little, as he could not help thinking that his hon. and learned friend dealt as much in theory as any man, indeed, the greater part of his speech was so dark and abstruse, that he must be excused answering it actually, because he did not understand it. His hon. and learned friend had said that all the judges were against the measure which he now presumed to press on the consideration of the House. He (sir S. Romilly) had no reason to suppose any such thing. He knew that he had the authority of the magistracy of the country in his favour, and he had no reason to suppose that all the judges were against him. He knew that he had the authority of one judge of high rank against him, having experienced his opposition to the measure in another place. He had now also against him, the authority of the Recorder and Common Serjeant of London, and he was glad they had given their reasons for opposing the present measure, as it gave him an opportunity of examining what those reasons were. They objected to the proposed alteration, but why? Because the offences to which the Bills applied, were offences which had greatly encreased and were now encreasing! Could there, he asked, be any greater objection to a law, than that the offence against which it was intended to provide was encreasing under it? If a person had a medicine administered to him, and a change of regimen was recommended, would it be enough to say, No, do not change the medicine, for the person is dying without any change? Or, would the chairman of the College of Physicians, when advising with the whole body as to the state of their practice, assign as a reason for adhering to the medicine and to the course of treatment in a particular malady, that their patients were coming to be cured, and were dying as fast as could be desired? If under the present law the offence had increased and was increasing, what a strange reason for objecting to a change? Of what nature, then, ought the change to be? They could not at this period of time go back to the wheel or the rack in search of a substitute for the present mode of punishment; and if they could not resort to a system of greater severity, why not seek for a remedy in a greater degree of lenity? If he (sir S. Romilly) had succeeded, two years ago, in procuring a change of the law in this respect, would not the increase in the number of culprits, which was now regarded as a reason why no change should take place; have been attributed to the very change which had been introduced? The chances of escaping as the law now stood were multiplied to such a degree as absolutely to operate as a snare to the commission of offences of this kind. He admitted that the number of prosecutions for stealing from the person had increased since the passing of his Bill exempting the crime of stealing privately from the person, from capital punishment, but this was the necessary consequence, and shewed that the measure was likely to operate. It must necessarily, at the first, increase prosecutions and convictions, but when its effects were seen and felt, it would immediately lead to a decrease of the crime. His hon. and learned friend (Mr. Abercromby) had stated the disproportion between the numbers of persons committed and those actually prosecuted for stealing in the dwelling-house. If gentlemen would look, however, at the numbers committed for stealing in the shop, they would find that there the disproportion was still greater. The whole number committed for this offence in five years was 598; of these 120 were tried; 20 were convicted, but not one was executed: and for stealing in the dwelling-house, within the same period, only two were executed. It was impossible not to see that this proceeded from a disinclination to prosecute to the effect of inferring a capital punishment on such offences as these. The right hon. gent. opposite, however, said, that though punishment was not inflicted, the mere passing of the sentence would operate in a salutary way, by deterring others from the commission of crimes. How were persons to be deterred, however, by the idea of a punishment which they knew would never fall upon them? This was, indeed, to go to the nursery for our ideas, but such an argument would not operate with persons acute as those on whom it was meant to have effect were admitted to be. The cases alluded to by the right hon. the Chancellor of the Exchequer as being of an aggravated nature, with great submission, did not apply to stealing in the dwelling-house, but must fairly be considered as stealing forcibly from the person. Yet these two cases of simply stealing in the dwelling-house, and the aggravated offence which the right hon. gent. had himself pictured so highly, he would have punished in the same manner. As to the observations made by his hon. and learned friend on the work of Mr. Bentham, he (sir S. Romilly) should only say, that it was a most masterly and valuable performance, which would live and be highly thought of when those who now heard him would be no more; and if his hon. and learned friend had by his observations on that work made any gentleman who might not have already perused it, desirous to do so, he could assure that hon. gent., whoever he might be, that his hon. and learned friend had conferred on him a high obligation. The right hon. the Chancellor of the Exchequer had said, that the criminal law of England was not a sanguinary law; for it was not to be executed. It was intended, however, to have been executed, and it was executed till towards the latter end of the present reign. At the beginning of this reign, more persons were executed than were pardoned, in the proportion of three to two, now, not more than one was executed out of 17. Ministers, therefore, were themselves the innovators, and not him (sir S. Romilly). All he wished to do was to make the law in theory what it was already in practice. Ministers. in the lenity with which they now executed the sentence of the law, only concurred in the general feeling of the nation. It was as his hon. and learned friend (Mr. Morris) had expressed it. It was time that had become the innovator. Gentlemen would have it supposed that these laws, which he now wished to see amended, were the combined efforts of all the great men who had lived before us. So much the reverse of the fact was this, that these laws had all passed without discussion of any kind. One or two discussions on particular criminal laws did take place previous to this reign; the others, as lord Bacon expressed it, had been passed on the spur of the occasion. A gentleman would stand up and move that in such a case the benefit of clergy should be taken away, and it was done. The only choice of punishments then was, to brand the hand, or imprisonment for a year. The right hon gent. asked the worthy baronet (sir J. Anstruther) what he meant by restoring the law? He would tell him. To give back to the offence the benefit of clergy; to let the law stand as it did before the act of queen Anne. To the cases already mentioned, he begged to add the case of an apprentice tried in the year 1807 before Mr. Justice Lawrence, for robbing his master of his pocket-book, containing six 10*l.* bank notes. There were alleviating circumstances in the case. The master had held out an improper temptation to the boy, who had otherwise behaved in a most exemplary manner. In these circumstances, what could the jury do? They found the boy guilty of stealing 39*s.*! A most serious and distressing situation in which to place a jury, by which they must find little less than a judicial murder, or get the better of it by a judicial perjury. A cruel case, first to compel a Jury to call on God to witness their observance of the oath they had taken, and then to open the Statute-Book containing this act, and say, you must consign this boy to death, or you must violate your oaths. This was a most cruel course in which to persevere. If he had some opinions against him, he had also opinions of great Judges, now no more, in his favour on this subject. He had the opinion of judge Blackstone, whom, as he had then ceased to follow the profession of the law, his hon. and learned friend would probably conceive to be only a sort of dilettanti lawyer. He esteemed the severity of our criminal code as deplorable, and lamented that it should not be revised, at least once in a century. Lord Bacon, too, had set about a revision of this code; and even lord Coke, an enthusiast, and even a bigot where the established law was concerned, observed, that though our laws went to inflict punishment, they did not go to prevent crime, which could only be done by instructing the poor and ignorant. He (lord Coke) looked to the period when the English nation should be employed in that work, and prayed blessings on the head of those who should promote it. These he esteemed authorities at least equal to the Recorder and Common Serjeant of London.

The House then divided—

For the second reading	79
Against it	53
Majority in favour of the Bill	—26

The Bill was then ordered to be committed for Tuesday, as were also the Bills o prevent Privately-Stealing in Shops, nd Stealing from Bleaching Grounds in England and Ireland.

Foreign Ministers Pensions Bill.] Mr. *Leach* moved the second reading of this Bill.

Mr. *Bankes* opposed the Bill on the ground of its breaking in upon the line of financial reform already laid down.

Sir *J. Newport* was hostile to the second reading of the Bill upon the same ground.

Mr. *Brand* opposed the second reading. He was averse to any step that could have the least tendency to raise a suspicion on the part of the people of the sincerity of the efforts making by that House in the financial reform already entered upon.

The *Chancellor of the Exchequer* said, that amongst the objections he had heard urged against the Bill, there was none against its general provision. It was admitted that the persons in question ought not to suffer loss in consequence of their having held such situations; and that they ought to be provided for as far as it could be done consistently with the public service. The question then was, how far the present bill was calculated to effect that? He justified the conduct of the duke of Portland's administration, when it first came into power, in continuing to these foreign ministers the pensions given to them by the preceding government.

Mr. *Abercromby* said, it was then open to the King's discretion, whether he would continue to them their pensions or not.

Mr. *Canning* said, that from the constant exercise of the discretionary right in the King to grant a pension to all those who had served abroad as foreign ministers, there seemed to have arisen on the part of those ministers, a correspondent right to demand; so that the claims were so many, and were represented to be so similar, that the great difficulty was to know where to grant and where to withhold; this of course led to difficulties which were justly obviated by the Bill of last session. This Bill provided certain rules, which were meant to regulate future claims, by putting aside all those which did not come within such regulations. The first rule laid down was, that limiting the period of service within ten years from the date of his commission. The Bill further provided, that the person holding the foreign seals should certify that the claimant had not, within that space of time, refused any one mission to which the government might have thought it fit to call him. This he thought to be a wise provision, and one that had been rendered the more necessary by a new custom, which was creeping in amongst those gentlemen, of exercising a supposed right of refusing any mission, after they had served out their three years; insisting upon it, at the the same time, that this refusal upon their part to discharge their duty to the public, did not invalidate their claims to the pensions they were receiving from the public, upon the ground of those services.—At the same time he had no hesitation in saying, that if when he had the honour of holding the seals for the Foreign department, any exemption had been proposed in favour of certain persons who were supposed (he knew not why) to be interested in the fate of the Bill, he would then have consented to it. The omission made in the Bill of last year, respecting this case, was merely an oversight; and it ought to be recollected, that though this Bill should pass, the discretion on the part of his Majesty to grant or withhold such pension, would remain entire and uncontrouled.

Mr. *Whitbread* expressed his reluctance in feeling himself obliged to vote against the Bill.

Mr. Stephen and Mr. Giddy were for the Bill.

Mr. *Leach* replied to the arguments urged by various speakers against his Bill, and contended, that persons employed in the diplomatic service of the country, were entitled to a liberal provision, when they were no longer employed, though they might not have been ten years in the service. Persons who gave their talents to the diplomacy, and relinquished other prospects of obtaining an independence on the faith of the existing negociation, ought not to be subsequently denied support in consequence of a new arrangement having been made.

The House divided, when the numbers were—

For the second reading............ 34
Against it........................... 24
Majority..................... ... —10

HOUSE OF LORDS.

Monday, April 1.

Commercial Credit Bill.] The Commercial Credit Bill was read a third time.

The Earl of *Lauderdale* moved to leave out the clause, empowering the Commissioners to advance Exchequer Bills on the security of Heritable Bonds in Scotland, observing that it was contrary to the principle of advancing money to merchants, and that, from the nature of the security, the money could not be forthcoming within the time limited by the act.

Earl *Bathurst* observed, that the clause merely empowered the commissioners to take heritable bonds as an additional security. The same clause was in the Bill of 1793, and no inconvenience resulted from it.

The Earl of *Lauderdale* denied the necessity of the clause.—The question was put that the clause stand part of the Bill, and agreed to.

The Earl of *Lauderdale* then moved to leave out the clause empowering the Commissioners to advance exchequer bills to the incorporated banks of Scotland, upon the ground that there was no necessity for it, the banks not standing in need of any such assistance.

After a few words from earl Bathurst, who stated that this clause was also in the Bill of 1793, the question was put, that the clause stand part of the Bill, and agreed to.

The Earl of *Lauderdale* then adverted to the notice he had given on Friday, his object being to leave out the clause empowering the Bank of England to purchase exchequer bills issued under this act, and to substitute another clause prohibiting them from so purchasing them. His lordship observed, that the analysis of the measure with this clause as it now stood, was, that the merchants having a quantity of goods for which there was no market, the Bank could not accommodate them with discount, but by the interference of government, advancing exchequer bills to the merchants, the Bank would take the exchequer bills as a security, and issue their notes for them to the merchants, thus increasing the issue of Bank notes, which was already too great.

Earl *Bathurst* contended, that this would be, by a side wind, destroying the advantages of the Bill, as the exchequer bills, which the Bank were prohibited from purchasing, must necessarily be at a discount, whilst other exchequer bills would be at par. Nor would it prevent the issue of bank notes, as those possessed of the exchequer bills must sell them in the market, and purchase others which the Bank could take, and for which of course bank notes would be issued. There was, besides, a constantly operative cause which produced a reflux of bank notes into the Bank, as it was found by experience, that although the dividends were paid every quarter in bank notes, yet that, after a short period, the whole amount of bank notes in circulation was nearly the same as before.

The Earl of *Ross* again adverted to the question of the exchange becoming favourable to Ireland, contending that it was not the result of a diminished issue by the bank of Ireland.

HOUSE OF COMMONS.

Monday, April 1.

Militia Enlistment Bill.] Mr. Lushington brought up the report of the Militia Enlistment Bill.

Mr. *Elliot* said, he was compelled by a sense of duty to object to this Bill, though he could not now hope to say any thing new upon it. When he recollected those who had on former occasions been associated with him in opposition to these expedients, it might well be supposed, that the subject presented him with no cheering reflections. It might be said, that he was hostile to the Militia Establishment altogether; and that his arguments against it ought to be taken with some grains of allowance. He never had been an enemy to the establishment, provided it were kept to its original numbers. He then proceeded to state the grounds of his objections to this measure; to the increase of the numbers of the Militia, and to the Local Military Establishments which for some time past had formed so great an obstacle to the regular recruiting for the army. His late right hon. friend (Mr. Windham,) had taken a comprehensive view of the whole subject, and had formed an excellent plan for the recruiting of the army. That plan, unfortunately, had been overthrown before its most efficacious engines had even begun to operate. Still, its success, so far as it had gone, had exceeded his expectations and those of the great character who had formed the plan. It produced, for the first quarter, at the rate of 10,000 men a year; for the second, at the rate of 13,000 men a year; for the third, at the rate of 21,000 men a year; and for the 4th quarter, at the rate of 24,000 men a year. All this, by the ordinary recruiting at a reduced bounty. But the efficacy of such a measure must depend on the opinion of its permanency; and since the unfortunate interference with it, the regular recruiting hardly produced sufficient number of men to cover the waste of the army. The expence of Mr. Windham's plan had been urged as an objection: but, in the end, the present method would be far more expensive, considering the height to which the competition and complicated mode of recruiting must raise the bounty. If Mr. Windham's plan had been persevered in, they would now have no occasion to resort to such a measure as this. It could not but disgust the Militia officers, who were converted into instruments for recruiting the regular army. To be sure, this was a case of emergency, and if the measure had been only temporary, he should perhaps have allowed it to pass without any thing further than a protest against the general principle; but it was held out as a permanent measure, and he must oppose it. The Militia officers ought to pause before they allowed their regiments to be turned into recruiting legions for the army; and every member ought to pause before he placed in the hands of ministers a power of perpetual balloting. The system could never be carried on without ballot; and thus they would be continually ringing the changes on bounty and ballot. With these few observations, which his sense of duty compelled him to make, he should leave the matter to the House.

Colonel *Duckett* would have been very averse to this measure if he had understood it to be a permanent one. But he hoped it was not intended to make it perpetual. Necessity justified it at present; the same necessity which at times might justify the suspension of the Habeas Corpus Act. He expected that there would be no occasion, however, to have recourse to the ballot. After the late volunteering, the recruiting for the Militia had been very successful. He would support the Bill therefore, as a temporary measure.

Mr. *Giles* referred the hon. gent. who spoke last to the Bill itself, to shew that it was intended to be a permanent measure. The Bill recited, that "whereas it was expedient to provide a permanent supply for the army, &c." and this quality of permanency was, in fact, the great objection to the measure. The Militia officers were to be converted into drill serjeants, to provide 10,000 men annually for the army. With regard to the private men, it must be remembered that 240,000 in England were locked up by way of local militia, or volunteers. These might be enlisted; but then their places must be supplied. The advantage to the army might be gained by recruiting. They recruited for the militia, and why not as well for the line? The present mode only tempted men to enter the militia first, and after remaining there for a few weeks, they enlisted into the line for the sake of the double bounty. He was glad that the ballot was to be avoided, if possible. But the misfortune was, that while the expectation of ballot was held out, men could hardly be got by recruiting: the expectation of high bounties for substitutes, induced those who were willing to enter the army to keep back till they could do so upon the most profitable terms for themselves.

Mr. *Elison* hoped it was not intended to render this a permanent measure. He had the strongest objections to the ballot and fines, which were a great local oppression, throwing that burthen on a few which ought to be borne by all. The men, however, must be had, and he was willing to allow this Bill to pass, in the expectation that there would be no occasion to have recourse to the ballot.

Mr. *Bankes* said, that he should propose a clause to declare that the ballot should not take place until the year 1813.

Lord *Castlereagh,* adverting to what had been stated by a right hon. gent. (Mr. Elliot) against the present Bill, was willing to allow that if it were possible to raise 24,000 men annually by ordinary recruiting, it would be more advisable than to have recourse to a compound system. The measure of the late Mr. Windham, however, though favoured by peculiar circumstances, only produced in the first year of its operation 17,000 men.

Mr. *Whitbread* said 19,000.

Lord *Castlereagh* repeated it had only produced 17,000. All the facts relative to this subject were submitted to the House by Mr. Windham and himself in 1807. It was to be remarked that at that period there were no less than 54 second battalions in the country so reduced, that it was doubted whether they could possibly be filled up; and an order was issued, that if each battalion did not raise 400 men, in all about 20,000 men, the battalions should be disbanded, and the officers would forfeit their rank. The recruiting parties were in consequence increased from 200 to 700. He dissected the number of men raised that year, and found that no fewer were raised in one half year than 8,000 men by these second battalions. Whatever influence the inducements held out by the late Mr.

Windham might have on a philosophic mind, he was convinced that they would not have much on the aggregate of the population, and he was therefore unwilling to forego the permanency of service for any theoretical probabilities. To that system, however, he allowed its full influence, except in changing it so far as to allow an option to limited or unlimited service: and since that time the recruiting had fallen to about nearly its ordinary numbers.—It had been said, why not raise men at once by ballot for the line? but to this it might be answered, that the militia gave habits which prepared men for entering into the line, and that it was the natural colour of the mind of man to prefer in the first instance the home service.—He thought it extremely probable that the militia supernumeraries, with the ordinary means of supply, might supersede the necessity of a ballot; and he thought it therefore proper that something of this sort should appear on the face of the Bill, to put an end to all speculation.

Mr. *Whitbread* thought the noble lord who spoke last had dealt very unfairly by that great man whose eternal absence all must lament, very unfairly by the army, and very unfairly by the country. The system of recruiting for the army, during the last war and the present war, down to the period when the late Mr. Windham's plan was proposed, was a system of force and violence. That plan was said to be theoretical, and in practice inefficient. Luckily, however, for the country, it was carried into execution; and its success exceeded the most sanguine expectations of Mr. Windham himself. The fact could not be contradicted, that in the particular year alluded to, the recruiting for the army exceeded not only what had either happened before or since, but was equal to the ordinary waste of the army in time of war, namely, to 19,000, while the whole number now proposed to be raised was 22,000. The noble lord was for reducing the number raised on Mr. Windham's plan to 17,000; but he contended that it was proved by Mr. Windham that the number was 19,000 and a fraction. The noble lord next wished to detract from its merits, by imputing this increase to a second operation; the number of second battalions in which the rank of the officers depended on their success in recruiting, and the number of recruiting parties. It had only produced, said the noble lord, without these additional incentives, 8,000 in six months. But the noble lord ought to have observed, that the measure was, as was predicted, progressive in its operation; and that the second quarter yielded an encrease over the first; the third over the second; and the fourth over the third. The additional number of recruiting parties increased only the number of competitors; but did not increase the abundance of the market of recruits. That plan, however, was knocked on the head at once by the noble lord who had deprived the country of it for ever. They were now, in the present distressed state of the manufactures of the country, and when there was such a multitude of men in the market, obliged to make the present measure perpetual; a measure which let fall on the heads of a few that which ought to be spread over the whole country. The noble lord would not allow that men were inclined to go at once into the army. He wished one jump into the militia, and a second jump into the regular army. The reasoning of the noble lord was here more childish than he could have expected. Why were men unwilling to jump at once into the regular army? Because they well knew, that by their double jump they would get a double bounty. This, however, came home to the argument of the late Mr. Windham, which, by leading men from step to step, and by increasing their remuneration at each, would have effectually kept up the numbers of the army, without such a grievous burden to the country.—He then adverted to what had been said by Mr. Ellison, who, he said, had declared that he would vote for the Bill, while he hoped it would not be carried into effect. The best way surely to prevent its having effect would be to vote against it.—With respect to the ballot, he said it was a grievous burden on the country. He called on every gentleman who had any experience on the subject, to say if he had not met with numberless instances of misery which wrung the heart, while there was no remedy? It was possible to bring forward such a number of instances of misery occasioned by the ballot, that he had no hesitation to say it was as grievous in its operation as any conscription that ever existed in the world. If there was a necessity, let the hand of the law be laid equally on all.

Mr. *Ellison* said in explanation, that he should vote in favour of the present Bill merely as an experiment.

Mr. *Wilberforce* said, the present mea-ure shewed, in the strongest possible manner, the danger of having at any time ecourse to extraordinary methods, as in a hort time they came to make part of a eneral system. Ministers had only to say o many men were wanted for the re-ular army, and the measure would be ecurred to of course. By such a measure, all the improvements in the army, hich Mr. Windham's plan was calculated to produce, would never more be hought of. The first introduction of raughting from the militia was on the oc-asion of the expedition to the Helder, nd it was then thought fit to accede to it rom the extraordinary circumstances of he time. Who could then have sup-osed that it would have become a ge-eral system? All the objections which vere then urged, of converting the militia fficers into recruiting officers for the rmy, and of the insubordination it would ccasion in the militia, were now got over. hey were now never thought of. No-ody would ever think now of urging the necessities of the country in favour of the measure. His great objection to this measure was, that it put an end to all the be-nefit naturally to be expected from the lan of Mr. Windham, who had the art of nfusing his own spirit into whatever he ndertook. The present system was dis-ressing and grinding in the highest de-gree on the lower orders.

Mr. Secretary *Ryder* contended that it was necessary, in the present situation of he country, that the army should be kept up to its greatest and most efficient force. He wished, therefore, that gentlemen who pposed the present Bill would propose ome substitute for it which would be equally effectual. At the same time he entertained no doubt, from past experience, that there would be no necessity for esorting to the ballot within the time mentioned by the hon. gentleman. It might be asked then, why not agree to he clause proposed to be introduced by he hon. gentleman (Mr. Bankes)? He would tell them why. He was afraid the ntroduction of such a clause would induce persons disposed to enlist to suppose that he ballot would necessarily take place at he end of two years, and would prevent hem from entering till then, when they might expect greater advantages to arise o them. As to the idea of discipline being destroyed by this measure, this was greatly exaggerated, and officers of the first eminence had declared, that any regiment into which one-seventh of raw recruits had been introduced, could be in a state to meet the enemy within three weeks. As to the plan of enlisting for limited service having been abolished, the fact was not so, but an option was allowed of enlisting for limited or unlimited service, and not one fourth of those enlisted chose to avail themselves of the former, though the difference in bounty was only one guinea, being five guineas for limited and six guineas for unlimited service.

Mr. *Bastard* contended, that these constant leaps which the militia were made to take, were calculated to produce, and in fact had produced insubordination in the militia. It would be a great deal better to put an end to this species of force at once.

Colonel *Wood* supported the measure; and was of opinion that a seventh taken annually from the militia for the regular army might be supplied by beat of drum, and without resorting to the ballot. He had witnessed many volunteerings from the militia, and he never knew them interfere with the discipline of the militia regiments.

The Amendments were then agreed to.

ORDNANCE ESTIMATES — BATTLE OF BARROSA.] The House having gone into a Committee of Supply,

Mr. *Ashley Cooper* proceeded to call the attention of the Committee to the Ordnance Estimates for the present year. The Ordinaries were considerably greater than they were last year, arising principally from the transfer to this head of service of several articles from the Extraordinaries, particularly the Artillery Drivers, Waggon Train, &c. He had endeavoured as much as possible, to follow a similar plan to that adopted in the Army Estimates, as being the most likely to make his statement intelligible to gentlemen who had been accustomed to attend to the Army Estimates. As the Estimates, however, were so transposed, it would not be necessary for him to compare them with the Estimates, of last year. He should only say, in general, that they were 500,000*l.* more than those of last year. This arose particularly from the article of Prize Money, amounting to 170,000*l.*; Foreign Service 200,000*l.*; and an addition of 13,000 men, amounting to 40,000*l.* There was only one new article in the Extraordinaries which it would be necessary for him to mention, being for Magazines 50,000*l.* There were at present various floating magazines employed in the keeping of powder, but they were found neither to be so safe nor so useful as magazines on shore. The floating magazines besides being dangerous, were apt to render the powder damp after it had been for any considerable time on board. In providing sufficient magazines for this purpose on shore, an additional expence must in the mean time be incurred, but, in the long run, if to be permanently followed, it would produce a saving. He had seen a calculation of the expence of one of the floating magazines, amounting to 9,000*l.* and which contained 3,500 barrels. A permanent magazine on shore which would contain 10,000 barrels, it was calculated would cost 15,000*l.* The expence of floating magazines capable of containing the same quantity of powder, would amount to 28,000*l.* so that it must be obvious, that, besides the disadvantages attending magazines afloat, those on shore would be infinitely less expensive. He should not detail any of the other articles in these estimates, but should be happy to give any explanation relative to any of them, which gentlemen might please to desire. He concluded by moving, "That the sum of 3,412,211*l.* 11*s.* 10*d.* be granted to his Majesty, to defray the expence of ordnance for his Majesty's land forces for the present year."

The Hon. *J. W. Ward* said, that he was anxious to take that opportunity of saying a very few words upon a subject, yielding to no other in public interest, and which the nature of the Resolution now before them brought fairly within their consideration. He alluded to the late brilliant action fought upon the heights of Barrosa. In the debate upon the proposition of thanks to general Graham, he was unwilling to divert, for a moment, the tide of eulogium that was flowing in, from all quarters, upon the distinguished merits of that day, by introducing any other subject than that of the British general and his British army; but now that they might be supposed to have looked at the other circumstances of that memorable day, he hoped he might be allowed to ask for some explanation of—or if that could not be given, to express his deep regret at the unfortunate and deplorable misconduct of our allies in the battle of Barrosa. Of that conduct it would be idle to affect to speak in doubtful terms: it unfortunately wore but too decisive a charact
and was known, talked of and reproba
with equal indignation by all part
throughout the country. General Grah
had not, to be sure, spoken of that m
conduct in the terms which it appear
to have deserved; but when the delica
of the situation in which he stood, and
the duty he had to discharge were co
sidered, his forbearance would be
tributed to that wise discretion in whi
such minds were seldom found to be d
ficient. But though general Graham ha
for obvious reasons, forborne to compla
yet the conclusions to be drawn from
silence must speak in a language too e
phatic to be for a moment misunderstoo
They were not to be told how gener
Graham and his army fought: neith
need they be reminded in whose cau
that army had prevailed over a much s
perior force. But, was it to be endure
that while the British troops were pe
forming prodigies of valour in an unequ
contest, that those allies, for whose ind
pendence they were fighting, shou
stand by the cold-blooded spectators
deeds, the bare recital of which shoul
have been enough to warm every man
them into a hero? If, indeed, they ha
been so many mercenaries, and had bee
hired to fight for a foreign power and i
behalf of a foreign cause;—if they ha
been so many Swiss, in that case the
breach of duty, however culpable, woul
have been less unaccountable, and pe
haps more excusable; but here, whe
they were allies bound to this country i
obligations greater than ever before o
nation owed another—our brave men la
vishing those lives which their countr
had so much better right to claim, in de
fence of that cause in which those allie
were principals—in such a case, tamely
to look on while the contest between
numbers and bravery hung in doubtfu
issue,—this did appear to him to betray an indifference, an apathy, which, if he could suppose it to prevail among the Spaniards, must render, in his mind, the cause of Spanish independence altogether hopeless. (Here the Chancellor of the Exchequer betrayed some symptoms of disapprobation). He did not presume that such was the general sentiment in Spain, but sure he was, that what he had stated, as to the conduct of the Spaniards in the action of Barrosa, was the prevalent sentiment in the public mind; if that sentiment had been adopted upon false

grounds, what he had said then would ave this good effect if it had no other, f giving the right hon. gent. an opportunity of setting the public right in that espect. But to put it as a question of policy, and not of gratitude, he should vish to know from those gentlemen who hought all along with ministers upon the uestion of the Spanish war, whether they continued to hope for the cordial co-operation of the Spaniards?—At Barrosa hey were on Spanish ground—on the pot where they might have won the rescue of their wives and children from he bonds of a licentious enemy. When or where could they have had stronger motives to behave like men? And if they ung back in such a moment, at what other could they be relied on? Gentlemen would not, he presumed, talk of any prospect of success without the co-operation of the Spaniards themselves. They would not talk of this country conquering France in Spain, in spite of Spain herself. He did not wish to libel the Spanish people [hear! hear! from ministers]. He repeated that he did not. It was not of Spain as a people, but of Spain as a government, that he complained. He was not so blind to history, or the lessons it afforded, as to suppose a people who had produced a Pizarro, a Gonzalvo, a duke of Parma, Alva, or a Berri, could voluntarily submit to be slaves; but their misfortunes were to be traced to their government—a bad civil government and a bad religious government had been doing their bad work. First, we heard of juntas—juntas without number: then we had provisional juntas, which we were told were to do wonders. They, however, gave way to the central juntas, and left the wonders to be done by them. And lastly came the Cortez, as useless, inefficacious, and troublesome as any of its predecessors; if not more so. They began by fulminating an ostentatious decree against some French words, excluding a few French words from their language, while 300,000 Frenchmen were in possession of their country—they then proceeded to establish the liberty of the press, while they drove out of their country one of her most zealous, faithful, and active adherents, the late duke of Albuquerque. After some other observations, the hon. gent. concluded by asking, if it was to be endured that such men as general Graham and his army were to be subject to the command of such a man as La Pena had shewn himself to be. What did that officer mean when he ordered the jaded troops of general Graham, jaded from the double toil of a long march and a hard fought victory, to push their success and raise the siege of Cadiz? Where were his own soldiers? or was the command issued sarcastically? He was aware that these were delicate points, and that in a country where they appeared as an ally, they must be cautious how they laid claim to any chief or exclusive command; but there must be a limit to that delicacy; it must not carry them beyond all consideration of their own army. He would rather run the risk of offending the Spaniards, than sacrifice such an army as that commanded by general Graham. This country, in her proudest days, could ill spare such an army—its safety should not be risked upon punctilios to those who did not seem to know how to estimate its value; besides, they were not warranted in counting upon precisely the same glorious results in the recurrence of similar circumstances. A very little more advantage on the part of the enemy might have turned the scale even against the same portion of skill, discipline, and intrepidity: numbers on the part of disciplined troops were a formidable advantage, against which no skill or courage could calculate with certainty. He thought it necessary to make these few observations upon a subject which he thought of all others called for explanation. He took the present opportunity in preference to that offered him in the debate on the question of thanks, for the reasons he had already stated.

The *Chancellor of the Exchequer* gave the hon. gent. great credit for his forbearance on a former occasion, and thought it would be most unfair on account of such forbearance, to preclude him from the right of subsequently discussing the subject. He could not, however, help saying, he thought the hon. gent. had expressed a stronger and more determined censure on the Spaniards than could be justified by the evidence in the possession of the House at present. If he had confined himself to expressions of sincere regret at the circumstance of the English having been left to fight the battle alone, and required some explanation on the subject, he should have thought such conduct on the part of the hon. gent. perfectly natural and perfectly right; but, uninformed of the whole of the circumstances (as he conceived he must be, as no information had been furnished on the subject by general Graham), to venture to describe all the Spaniards as cold blooded spectators of the contest, was, he thought, neither generous nor just to those persons who were now to be put to their trial in Spain. It was not generous to the individuals, nor was it just to the cause. It was impossible to think such men could consider themselves fairly dealt with by this country, if they were thus to be prejudged when their conduct was yet to undergo a legal investigation. Did general Graham in his letters furnish grounds for any such statements as had been made, that they were all cold-blooded spectators, and all anxious to withdraw themselves from the field? If he did not, such a statement could not be justified. But what if he had said the reverse? He had said so in fact; in no instance had he furnished grounds for such a sweeping sentence. In his dispatch he had said, "The exhausted state of the troops made pursuit impossible. A position was taken on the eastern side of the hill; and we were strengthened on our right by the return of the two Spanish battalions that had been attached before to my division, but which I had left on the hill, and which had been ordered to retire. These battalions (Walloon Guards and Ciudad Real) made every effort to come back in time when it was known that we were engaged." Why, from this they had the authority of general Graham himself, that whatever might be the propriety of the order previously issued, these two battalions no sooner knew the English and French armies were engaged, than they made every effort in their power to come back, and actually did return as soon as they could, though not before the firing had ceased, and the enemy had commenced his retreat. When the situation of the Spanish army, posted at four miles distance, was taken into consideration, it required more information than the House had at present, to justify the passing of a censure on the whole of the Spanish army, or even on any part of it, excepting these two battalions. With respect to the governments of Spain, though they might not answer the expectations of the hon. gent. great allowances were to be made, considering the circumstances under which they had come into power. They could not expect to find, in persons suddenly forced out of their ordinary habits, patterns of statesmen and patterns of legislators, such as the Spanish governments had been—they, however infirm they might be, had kept their country unsubdued by France, to the great disappointment of those in that House, who now, in retrospect, censured ministers for failing to do what before by anticipation, was pronounced to be impossible. Instead of condemning all the Spaniards, they ought rather to dwell with admiration on their national character, and contemplate with satisfaction the resistance they had made to the gigantic strides of France. It was not necessary for him to speak of the merits of this or of that government, but he was rather surprised to hear any observations from that side of the House, which seemed to reflect on the Cortes for their early efforts to establish the liberty of the press. What had not been said on that side of the House, from time to time, of the imperious necessity of giving the people immediately a free press, to inspire them with courage equal to the magnitude of the struggle, and give them something to fight for, worthy the best exertions of patriots and of men. He by no means meant to say, that the Spanish governments were uniformly all that could be wished; he did not say that they had always acted with perfect wisdom, or with perfect propriety, but he could not see that they ought to endeavour to lower the character of the existing government, unless they could supply them with those qualities in which it might be complained they were deficient. The hon. gent. had said general Graham ought not to have been placed under such an officer as gen. La Pena. He knew not why this should be complained of. If general Graham thought (without having received any peremptory order to that effect from this country) that by co-operating with a Spanish general he might be enabled to force the enemy to raise the siege, and that to that end it was necessary to put himself under the Spanish commander, he should think it difficult to form a better judgment of the propriety of doing so than that of the officer who had adopted such a line of conduct. General Graham would, from past experience, act with sufficient caution for the time to come. Every proper intimation would be given him to use his discretion with caution. Adverting again to the censures bestowed on the Spanish army, he contended that such censures ought not to be so peremptorily passed, not only on the general officer, but on all serving under him; more especially, as they had received such testimonies of the intrepidity displayed by various corps of the Spanish army: at least they ought to pause before they proceeded to give judgment.

Mr. *Whitbread* should have been glad to have joined in the general expression of exultation called forth by the victory of Barrosa in a recent debate. He should have been glad to have added to the general tribute his mite, in applause of the heroism of that day, and to have done himself the honour of claiming the hero of that day as his much valued friend: this he should have been glad to have done, if he could have had sufficient controul over himself to prevent him from doing more; but he was apprehensive that he could not have abstained from speaking of the conduct of the Spaniards. The right hon. gent. had spoken like the advocate of the Spaniards; they must be defended at all events: no matter how! And yet what was it that was attempted to be defended? The English army was on the point of being sacrificed—the Spaniards were in sight of them, within twenty minutes quick march of them! and yet what did they? What were they? Why, just what they had been described by his hon. friend—cold-blooded spectators of the battle! Was this doing their duty to themselves or to their brave allies? It was not easy to speak upon this topic without giving way to indignation; and after coldly witnessing a band of heroes fighting and dying for their cause, general La Pena tells our small army, exhausted with its unparalleled victory over numbers, that, forsooth, now was the time to push its success. What did this redoubted general mean? Was it insult, or treachery, or cowardice, each, or all? He did not mean to complain of the Spanish people, but of their officers. He should be sorry to say any thing so severe of that army, as that every soldier there felt as their general did. He only wished that the Spanish soldiers were put under the command of British officers, as the Portuguese were, and, he had no doubt, that they would behave as the Portuguese had behaved. He placed himself upon the silence of general Graham, and let the right hon. gent. dislodge him from that ground if he could. While that silence remained as it did, he should ever think of Barrosa as a day memorable for the glory of the Britons, and not less memorable for the infamy of the Spaniards. Was it to be endured, that our brave fellows should be so basely deserted, after an excessive night-march, the moment they entered the field, against a foe always formidable from discipline, and then doubly so from numbers? Why were the two battalions, concerning which the right hon. gent. vapoured so much, why were they with-drawn from the heights of Barrosa? why was their position abandoned precipitately to the French? who gave this order but a Spanish officer? What! should not this excite a jealousy? Was this the first time a Spanish army had been cold-blooded spectators of British heroism? Did they want this to remind them of the stately indifference shewn by Cuesta in the battle of Talavera? Was all sound in Cadiz? Was there no French party there? Were British armies never before betrayed till the battle of Barrosa? He said betrayed, for it was nothing less: the two battalions never came up till our army had repulsed the French, beaten them off, and was in hot pursuit of them as fast as our army could pursue—as fast as their exhausted limbs could carry their noble hearts! then what had been our allies—at Talavera nothing—at Barrosa nothing—or rather at both, perhaps worse than nothing: the history of Barrosa was not yet told—a mystery hung about it. The allied force sailed from Cadiz—the British fought—the Spaniards looked on. The British conquered; and yet the siege was not raised. Again he asked, was all sound at Cadiz? Was it true that general Graham had been obstructed and foiled in all his plans —that in the midst of the fight, while the British troops were doing feats which perhaps British troops alone could do, their allies were doing what, he hoped, such men alone were capable of—plundering the British baggage? Was this true? It was not the Spanish people he complained of; he gave them every credit; but he gave their leaders none. If all this was so, or nearly so, were the British armies to be risked so worthlessly? Were they to be abandoned to treachery or cowardice? For in either or both must have originated the unnatural, ungrateful and infamous treatment they had met with.

The *Chancellor of the Exchequer* wished to be understood not as being the panegyrist of the Spanish general, but as wishing to prevent a sentence of condemnation being prematurely passed. As the Cortes had taken up the subject (and this he could state to the House), he thought they ought to suspend their judgment. He begged to be understood not to say that gen. Graham had exercised his discretion improperly, but he thought the experience of the past might make him act differently in a similar situation, and furnish a reason for indisposition to join in any enterprise that might be proposed. An army at Cadiz, he contended, was not, under such circumstances, worse than useless, as experience had proved.

General *Tarleton* went over the circumstances connected with the battle of Barrosa. He detailed the events of that memorable day, from which, he contended, there were strong grounds for suspecting the Spanish general not of indifference, but of treachery. The military genius and presence of mind of general Graham, had alone saved the English army from destruction. The Spanish force was never more than four miles distant from the scene of action, yet it made no effort to take a part in it. The cold-bloodedness of the Spaniards, the removal of the two battalions which occupied the heights of Barrosa, combined with all the other circumstances, proved a something more than cowardice, and clearly demonstrated the existence of treachery. In all the battles fought in the peninsula we had gained abundant glory; but as no solid good could be derived from our continued exertions, he wished the Committee to consider well the nature of the vote they were called upon to give.

Mr. *R. Wellesley* thought the accusations thrown out against the Spanish government were hard preferred at a time when they were labouring to correct the faults in their constitution. Putting out of consideration the efforts which Spain had made at various times, he thought there was something in her exertions to remove the defects of which we complained, that entitled her to our assistance. He did not think the complete salvation of Spain was to be expected from the proceedings of the Guerrillas; still it was something to find in every province a band of men, who relinquishing their ordinary occupation, ranged the country in every direction in search of the enemy. With respect to what had been said of general Graham having served under the Spanish general, he must observe that general Graham had to consider whether he should do something or nothing. Had he not acted as he did, the opportunity which then offered might never have occurred with such prospect of advantage again, and he had therefore acted wisely in resolving to place himself under the Spanish commander.

Mr. *Ward* expressed a doubt as to the propriety of withholding censure till the Spanish commander had been tried, as general La Pena might be tried by such persons as general La Pena.

The *Chancellor of the Exchequer* said that the Cortes had taken up the subject.

Mr. *Ward* thought those who had employed him were not fit judges of his conduct.

The *Chancellor of the Exchequer* wondered the hon. gent. did not recollect that it was possible a government might send out a bad general, without all its members being traitors or unfit to manage affairs. He wished it to be observed, however, that the Cortes were not the government.

Some further explanation followed with respect to the nature of the Cortes as compared with the government, after which the Resolution was put and carried.

Mr. Wharton moved that the sum of 1,648,260*l.* should be granted for the Commissariat Department. After some remarks from Mr. Whitbread, Mr. Bankes, Mr. Huskisson, Mr. W. Smith, and the Chancellor of the Exchequer, in which each expressed his approbation of the conduct of the Commissariat in Chief, and the manner in which the estimates were made up, the Resolution was agreed to.

HOUSE OF COMMONS.

Tuesday, April 2.

British Fisheries Bill.] The order of the day having been read for the second reading of this Bill, Mr. Herbert moved to postpone it until Wednesday the 24th of April. After some conversation, in which Mr. P. Moore, Mr. Tremaine, Mr. Curwen, Mr. Calcraft, sir T. Turton, sir J. Newport, &c. participated, Mr. Herbert withdrew his motion; and Mr. Curwen moved that the Bill be read a second time on Monday next, A division ensued.

For Mr. Curwen's motion	27
Against it	56
Majority	—29

On the question that the Bill be now read a second time, an Amendment was moved by sir W. Lemon, "That it be read a second time this day six months."

Mr. *Rose* argued in favour of the Bill, contending that the Deep Sea Fishery was of the utmost importance, and ought to be encouraged by every possible means. He vas persuaded that the efforts of indivi-luals on this subject could never be pro-luctive of such advantageous results as hose of joint stock companies.

Mr. *Calcraft* allowed that if we were at eace, the fisheries might be encouraged vith great benefit to the country: but at time when the foreign markets were hut, and the home markets glutted, the ncrease of our fisheries could be advan-ageous neither to the individuals imme-liately concerned, nor to the public at arge. In any case, the association of a oint stock company for the purpose, was unnecessary. Let it once be seen that he undertaking was a profitable one, and ndividuals enough would be found with capitals ready to engage in it.

Mr. *Giddy* expressed his conviction that he question was one of the greatest pub-ic interest. To encourage our fisheries seemed at the first view of it, a desirable object; but what was the state of the markets? It must be recollected, that if we had driven the enemy out of the sea, the enemy had shut us out of the land. To accumulate a quantity of fish which we could not sell, would not be to encourage, but to destroy our fisheries. The fisheries of Cornwall and of Newfound-land, and the whale fishery, were all prosecuted without joint stock companies; and the establishment of one in the present instance appeared to him to be by no means advisable.

Mr. *Marryatt* opposed the Bill, the tendency of which was to produce a competition that would be destructive to the existing fisheries, without being advantageous to the public. It was the duty of parliament to maintain the interests of those fisheries which were already established. The Newfoundland fishery had been the cause of more wars between this country and France, than almost any other subject of contention, and having successfully defended it from foreign attack, we should surely abstain from destroying it with our own hands. He instanced several cases in which projects similar to that under consideration had been destructive, first to the competitors of the projectors, but ultimately to the projectors themselves.

Admiral *Harvey* said, he understood that it was intended to employ men from Holland and the Low Countries, to assist in catching and curing the fish. It was well known, that on former occasions, such persons had returned, and become pilots to the French vessels.

The Amendment was then put and carried without a division; so that the Bill is lost.

PETITION OF THE FREEHOLDERS OF WEXFORD, RESPECTING THE LUNACY OF MR. ALCOCK.] Mr. Tighe presented a Petition from the freeholders of the county of Wexford, setting forth, "That at the last election for the county of Wexford, Abel Ram, esq., and William Congreve Alcock, esq., were returned by the sheriff to represent the said county in the present parliament, and afterwards took their seats in the House; and that the said W. C. Alcock, in some time after such election and return, became afflicted with a mental malady, which, notwithstanding the skill and care of his physicians, has ever since continued, and increased to such a degree as to induce the necessity, on part of his family and friends, to sue out a writ of lunacy, for the purpose of vesting his property, and the management thereof, in trustees, the said W. C. Alcock being, from the continuance and increase of such mental disease, totally unfit and incapable of attending to or managing the same, nor is there the slightest hope that he ever will recover; and that the jury impannelled under and by virtue of said writ or commission, have found the said W. C. Alcock to be a lunatic, as by the finding of said jury, and the proceedings under said writ, all returned and remaining of record in the clerk of the Hanaper's-office in Ireland, and to which the petitioners refer, may appear; and that, in consequence of this event, the petitioners beg leave, on behalf of themselves and the other freeholders, to state and submit to the House, that the said county of Wexford ceases to be duly represented in the present parliament, because, by the laws and constitution of the said United Kingdom, it is established, that there should be two knights to represent said county, of which valuable privilege it is in fact deprived by the confirmed insanity of said W. C. Alcock; and praying the House will order a new election to be had to fill the seat of said W. C. Alcock, and for that purpose, that a new writ be issued directed to the sheriff of said county of Wexford, commanding him to return a knight to represent the petitioners and said county in parliament in the place of said W. C. Alcock, or to grant such other and further relief as may be agreeable to justice."

Mr. *Tighe* observed, that the feelings of the gentlemen of the county had induced them to postpone this step as long as possible, in the hope of Mr. Alcock's recovery. It however now appeared, that having been first affected on or about the 7th of November 1809, Mr. Alcock was still in such a state as to render unwarrantable any further delay in the application to parliament. There was no precedent on the journals of such a case, except that of Christopher Purle in 1566, in the reign of queen Elizabeth, which was exactly in point, and in which a new writ had been issued for Grampound, the Borough represented by Mr. Purle. There were several cases, however, and particularly two; one in 1605, the other in 1607, in which long continued sickness had been deemed a sufficient cause for vacating a seat in parliament. He moved to refer the Petition to the Committee of Privileges; and trusted the House would take those steps which might appear most expedient on the reception of the Report.

The *Chancellor of the Exchequer,* in assenting to the reference of the Petition to the Committee of Privileges, guarded himself from being supposed pledged to support any motion that might be made on the report of that Committee. With respect to the early precedents of sickness incapacitating members, adduced by the hon. gent., he had only to observe, that all later experience of the practice of the House was of an opposite nature.

The motion was then agreed to.

EXEMPTIONS FROM TOLL GRANTED TO MAIL COACHES.] Lord *Binning,* in consequence of his notice, rose to move, That a Committee be appointed to inquire into the expediency of the exemption from Toll granted to Mail Coaches in Great Britain. He observed, that very serious injury was sustained throughout all parts of the kingdom by this exemption, but more particularly in Scotland, in the north and west of England, and in Wales. The complaint was, that heavy carriages passed up and down the various turnpike roads without contributing to their repair and maintenance. By these mail coaches great facilities were given to commerce, and the revenue obtained an addition of 380,000*l.*; but the burden fell upon the trustees of the turnpike roads. In Scotland the hardship was peculiarly severe. There were ten mails running through 19 or 20 Scotch counties, and affecting the rate to the amount of 6,885*l.* annually; in some instances depriving the roads of a third an even half of what they would otherwis obtain. The case was much the same in Northumberland, Cumberland, Westmoreland, Cornwall, Devonshire, &c. Ther were 220 mail coaches. They ran abou 10,000 miles a day; and the annual los to the trustees of the roads by their exemption from toll, amounted at least to 50,000*l.* If it were said that the revenu would suffer in the event of abolishing the exemption, he would reply that such ar argument ought not to be urged agains an injury such as he had described. Bu it was not necessary that the revenue should suffer. He understood that the profits of the proprietors of the mail coaches were immense, and he did not see why they might not bear a part of the burden. At any rate, in proportion to the advantage which the revenue might derive from the exemption, was the injury which the roads sustained: and he knew there were many parts of the country in which persons had been deterred from making new roads by this consideration alone. Convinced that the exemption was partial and oppressive, he moved for the appointment of a Committee.

Sir *Patrick Murray* seconded the motion, and repeated the arguments of the noble lord. In Ireland the mail coaches paid the toll, and why not in this country? If it were apprehended that it might prove an impediment to the rapidity with which the mail travelled, such an inconvenience would be obviated by an arrangement, enjoining the Post-office to pay the trustees of the roads quarterly. He was persuaded, that the exemption prevented the formation of new roads, particularly in Scotland; and instanced a case, in which it had induced him to advise a forbearance from an undertaking of that nature.

The *Chancellor of the Exchequer* was of opinion that the House would not be disposed favourably to consider the present proposition, when they recollected the length of time which had elapsed since the exemption was first established. Twenty-five years ago that measure had passed the legislature, but in this long interval, no application had been made for redress, a pretty convincing proof that the injury sustained had not been of a very serious nature. Antecedently to the establishment of mail coaches the post was exempt from toll. An hon. bart. was, he was persuaded, rather singular in his advice, to refrain from the construc-

on of a new road, on the ground that
e mail coach would pass upon it toll
ee. The fact was, that wherever a
oad, on which a mail could travel, could
e made with any advantage, there were
lways numerous applications that it might
e made. Nor was this surprising; for
e facilities of communication, and the
onsequent influx of wealth which the
ail coach afforded, were ample equiva-
ents for the exemption from toll. Scot-
and had much less right to complain on
is subject than any other part of the
land, for it was well known that consi-
erable sums had been expended out of
e public purse for the construction and
aintenance of roads in that country. He
as satisfied that the House would be of
pinion with him, that the Committee pro-
osed by the noble lord ought not to be
ppointed.

Mr. *Wynn* bore testimony to the state-
ents of the noble lord with respect to the
nconveniences which the exemption oc-
asioned. He characterised it as a most
nprincipled robbery on private property,
nd quoted the authority of Mr. Pennant
its reprobation. When the system of
ail coaches originated, it was promised
at they should be constructed of the
ghtest materials, that no passenger should
e permitted to carry with him above 14
ounds weight of luggage, &c. Now,
owever, the mails were much heavier,
nd were made the vehicles for the con-
eyance of goods from one part of the
ingdom to another; by which means
e injury done to the roads had consi-
erably increased. If it was desirable
at the revenue should not suffer from
e abolition of the exemption, he thought
at at least the burden might be taken
rom the shoulders of the trustees of the
ads, and placed on those of the passen-
ers and senders of parcels.

Mr. *Rose* thought, if the proposed al-
erations were made, the mail coach pro-
rietors would charge the public not
erely in proportion as they were charged,
ut much more; as on such occasions was
niformly found to be the case. He
ould not give his assent to a measure of
is description, which, he was of opi-
ion, must necessarily affect the national
evenue.

Mr. *R. Dundas* could not give a negative
what had been advanced by his right
on. friend; but he doubted if his view
the subject was correct, and if the mea-
re proposed would be followed by the new charge on the public which he had anticipated. He thought the mails had no right to the exemptions they enjoyed, and hoped enough had been stated to the House, to induce them to appoint a Committee on the subject, in which the facts could be proved or disproved, so as to enable them to form a correct judgment on the state of the case.

Mr. W. Smith and Mr. D. Giddy were in favour of the appointment of a Committee.

Mr. *Fuller* thought the question before the House the simplest of all questions, and that nothing could be more fair than that the parties who derived the greatest advantages from the system should be called on to pay for those advantages.

The House divided, when the numbers were—

Ayes....................................39
Noes....................................34
Majority..............................—5

WESTMINSTER HUSTINGS AND POLL CLERKS' BILL.] Mr. Lushington moved for leave to bring in a Bill for amending the 18th of George 2, by extending the provisions of the said Act respecting the expence of Husting and Poll Clerks at elections, as far as regards the city of Westminster.

Sir *F. Burdett* stated the situation of the high bailiff of Westminster to be very different from that of the sheriff of a county. If it could not be proved that the emoluments of his office were too small, he thought that there was no reason for bringing in the Bill; and if that could be proved, he had no doubt but the liberality of the city of Westminster (whose rights he conceived would be in some degree affected by the measure), would be ready to increase his income.

Mr. *Wynn* thought the city of Westminster ought not to be distinguished from other populous places, unless some reason was given why such distinction was made.

The *Chancellor of the Exchequer* observed, that some large places had particular regulations, and thought there could be no objection to the Bill being brought in.

Mr. *Lockhart* objected to the measure, as likely to throw additional expence on the candidates, whether voluntary or involuntary, who might hereafter be put in nomination. He knew not how far the principle might be extended, and thought it his duty to oppose it in the first instance.

Mr. *Wilson* spoke in favour of the Bill.—Leave was given to bring in the Bill.

Distillery Bill.] On the order of the day being read for reading the Distillery Bill a second time,

Mr. *Curwen* said, his view of the measure was, that it would have the effect of causing less animal food to be produced than was raised at present, while we had no prospect of receiving a foreign supply. He hoped the right hon. the Chancellor of the Exchequer, would be cautious how he took any step which might, by possibility, tend to injure the agricultural interest. He thought he had not the best information on the subject; and was of opinion the House ought to go into a committee on the question, to see if they could not devise some plan more likely to be beneficial and less dangerous than that which had been proposed. He concluded with moving, That the second reading should be postponed to that day six weeks, in order to give an opportunity for further consideration.

Mr. *Rose* said, that the effect of the measure would be to give the West India planters an advantage over the growers of foreign barley. The question was, whether 33*s.* a quarter was a fair protecting price for the agriculturist or not. The English distillers, it was true, were apprehensive that spirits would be brought from Scotland; but he had reason to believe, that such improvements had taken place in the revenue of that part of the United Kingdom, as would prevent any irregular or illegal proceedings.

Sir *John Anstruther* thought the Bill should go no further until enquiry had taken place. It had been said, that the measure was only temporary; but that part of it was permanent which went to introduce sugar in competition with grain in the distillery; and it was to that he had objected. The principle upon which government used to act was to give the corn grower a monopoly, with only one exception; the exception was, when a scarcity was dreaded. The evidence before the House was altogether against the measure, for every one of the three committees appointed had expressed themselves unfavourable to it, and all persons connected with distilleries had remonstrated against its adoption. For these reasons he wished it should undergo the consideration of six weeks, before the scale was arranged, which was likely to produce so great an effect upon the whole agricultur of the country.

Mr. *Barham* did not know what new evidence could be called before the Committee, and therefore could not accede to the proposition of delay. As to the measure itself, he wished that no reference whatever had been made to the price o sugar, for there should be no such thing a balancing the colonial and agricultural interests. The agricultural interests should be maintained and preferred; but if i was necessary to get a supply from some other quarter, he thought it not unreasonable that we should take from our colonie rather than our enemies. It had been said that they were now departing from the ancient policy of the country, which was to prevent sugar from coming into competition with grain; but he would deny that that was the policy. There was nothing to prevent them from coming into competition before. He therefore should vote for the original motion.

Mr. *Marryatt* said, that if the agriculturists should possess the monopoly, they were bound, in consequence, to show that they were capable of completing the supply. So far, however, were they from manifesting that ability, that to the amoun of 4,000,000 had been imported since 1772, and of 7,000,000 in the course of the last year. The stock of the manufacturers was well known at present, and it could scarcely be said to afford a proper opportunity for adopting any step which would have the effect of making bread dear, as the rejection of the present measure inevitably would. It had been said that the measure would make meat dear. How that could be, he was unable to discover; for it would make the food of cattle cheaper. The West India planters contributed much to support the expences of the country, and, if they were reduced to a situation, in which they could do so no longer, the expence must fall on the landholders. He therefore cautioned the landed interest how they resisted such measures as the present, and recommended that they might bear their fair share of the burdens of the country without shewing such an invincible repugnance to sacrifice their interest to the public good.

Mr. *Shaw* objected to the bill as injurious to the interests of Ireland.

Mr. *Coke* contended that the measure would be injurious to the interests of the country, and quoted the report of the committee in support of his assertion.

e question was, whether encourage-ent should or should not be given to the owth of grain? If the agriculturalist d not get a fair remunerating price, rley would not be cultivated, cattle ould not be fed, and the market of Lon-n would feel the effects. He regretted, at after a long experience in that House, e had never known a minister who had couraged agriculture. He concluded ith a quotation from Mr. Burke, which presented all experiments upon the for-er as perilous, and decried the principle f meddling in any way whatever with the bsistence of the people.

Mr. *Ellis* said, he wished well to the nded interests; but he could not, how-ver, help feeling for the West India lanters. In 1808, when the subject was rst canvassed, it was said that the coun-y produced barley sufficient for all the urposes of the distillery. In 1809 and 0, however, there was more imported han in the former year, which shewed hat it did not produce barley enough to nswer its own purposes, even without the istilleries. The competition was not etween the West India and agricultural nterests, but between the colonial and he foreign grower.

Mr. *Western* supported the amendment.

Lord *Binning* denied that the distress of he farmer proceeded from the measure ow before the House.

Mr. *Adam* wished that time should be given to investigate the subject more mi-utely; and contended that they ought to lace no limitation to the price of grain, n order that its growth might be encou-raged. He insisted strongly upon the po-icy of encouraging agriculture, as the est means of supporting the strength and ndependence of the country.

The *Chancellor of the Exchequer* wished t to be recollected that he had originally proposed that the measure should continue but for the space of one year; but even then, should it be necessary, he intended that its continuance should be for a longer period. At present, however, he should propose in the Committee a clause, limiting its duration for four months only, after the passing of the Bill, a similar period having been adopted for Ireland, in order to enable the manufacturer to get rid of his grain if he should deem it expedient. Under that arrangement, which was thought beneficial for the interests of Ireland he did not suppose those who ob-ected would be inclined to press their objections. The right hon. gent. denied that in proposing the measure he had any intention of injuring the agricultural interests; on the contrary, it would have the effect of increasing their prosperity, particularly in Norfolk; for it was well known that the produce of the island for many years had not been equal to its consumption, and this was clearly made manifest from the imports of grain during those periods. The price at which it was proposed to distil from sugar, would leave a fair competition between the two interests. Adverting to what had fallen from his hon. friend, as to the state of agriculture in Norfolk, he wished to observe, that so far from any depreciation having taken place, it was evident, that within the last two years, while the prohibition was going on, agriculture had materially increased. In proof of his assertion he need only state, that last year not less than 153 Inclosure Bills were passed, which of course, would improve the state of agriculture. In the present year 168 Bills of the same nature were passed for England alone, of which number 24 were for the county which gentlemen opposite wished the House to believe as the most depressed, namely, Norfolk. In Wales nineteen also were passed. To talk of danger, therefore, to the agricultural interests, was a mere phantom, for no danger was to be apprehended. Notwithstanding the passing of the bill, it was a fact that barley rose in price in the market.

Sir *J. Newport* deprecated the idea that the Bill was called for in consequence of the scarcity of grain, and condemned the right hon. gent. for having introduced it originally as a permanent measure, which the hon. baronet contended he had done.

Mr. *Tighe* considered this as one of the blessed effects of the Union, which to Ireland would be a disunion. The promoters of that measure had held out promises which were not fulfilled. They had promised a land flowing with milk and honey, but that promise was not to be found in the British constitution for Ireland.

The House then divided :—

For the second reading............ 74
Against it............................ 49

The Bill was then read a second time, and committed for Thursday.

HOUSE OF COMMONS.

Wednesday, April 3.

Petition from Herts respecting Re-

FORM OF PARLIAMENT.] Mr. Brand presented a Petition, stating "That several Freeholders and inhabitants of the county of Herts, in full county meeting assembled, conscious of the rights they possess of addressing and petitioning the House upon all public affairs, and impelled by a high sense of the duty they owe to themselves and to their country, beg leave to lay before the House their opinions and sentiments on the present defective state of the Representation of the people: to the wisdom and justice of the original design of convening in parliament the representatives of the people to deliberate and co-operate with the sovereign and the peers upon every question of national concern, they give their unqualified approbation; but when they take into their consideration the decay of some boroughs, once prosperous and well peopled, the rise and flourishing condition of other places, formerly of little note; when they reflect upon the effects of the heavy and insupportable expence of elections, which closes the doors of the House to many of the best friends of their country, and robs it of their faithful service; and when they recollect the manner in which a large portion of the members obtain and secure their seats in the House, they cannot but be of opinion that time and circumstances have produced much defect and deterioration in institutions wise and salutary in their first establishment, but which now require revision and amendment; that great and important portions of the community are, in fact, unrepresented in parliament; and that the high and sacred office of a representative of the people is frequently sought for and procured by unconstitutional means, and, having been so procured, is consequently too often perverted from its original design and rendered subservient to private ends and interests: these defects they cannot but consider as a great aggravation of the present dangers and difficulties of the country; to them they ascribe the continuance of a lavish system of expenditure, the many expeditions in which the blood and treasure of our country have been prodigally and fruitlessly wasted, the decision of the House, in direct opposition to the general sentiments of the nation, and, above all, the unwillingness hitherto evinced by the House to enquire into or correct abuses in the representation, an unwillingness which cannot fail to excite the distrust of the petitioners, and to diminish the respect they owe to the name and functions of th House; and they deplore particularly on instance of this unwillingness of whic they complain in the rejection of a motio made in the last session of parliament b one of their representatives, as that motio had it been adopted by the House, mus necessarily have brought before the Committee a full enquiry into the present defective state of the representation of th people, and thereby have led to a substantial reform in the Commons House o Parliament, so essential to the salvation o the state, by preserving to us a free constitution, that inestimable inheritance transmitted to us by the wisdom and intrepidity of our ancestors; and that the times demand this open avowal of their sentiments and in the language employed to convey them they intend no disrespect, though they are persuaded that no words can be too strong to express their feelings upo this occasion; and therefore they mos earnestly intreat the House to undertake before it is too late, in a true and cordial spirit, the measure of reform, upon principles which, by conciliating the affections of the people, and restoring to the House its due weight and character, may rescue the country from domestic discord, and secure it from the foreign foe, give stability to the throne, and perpetuate the constitution."

Ordered to lie upon the table.

DWELLING HOUSE ROBBERY BILL.] Mr. Lushington brought up the Report of the Dwelling House Robbery Bill.

Mr. *Frankland* had understood that the Bills for ameliorating the laws, of which this was one, were to be so forwarded through the House as to admit of their being discussed in every stage. With this impression on his mind, he was surprised at finding the Report brought up when the House was so thin. He thought the Reports ought to be postponed.

Sir *S. Romilly* had no wish to hurry the Bills through the House, in a manner which might preclude their being sufficiently discussed. It was not his intention to move the third reading till after the recess. As there would be a sufficient opportunity thus afforded to consider of, and discuss their merits, he thought it unnecessary to postpone the reports.

Mr. *Frankland* still thought an opportunity ought to be given of discussing them in every stage, and would therefore move that the House should be counted. Strangers were ordered to withdraw, and the Speaker proceeded to count the members, when there not being 40 present, the House was of course adjourned.

HOUSE OF LORDS.

Thursday, April 4.

CATHOLICS OF IRELAND—MR. WELLESLEY POLE'S CIRCULAR LETTER.] Earl *Stanhope* rose, in pursuance of notice, to make a motion respecting Mr. Pole's Circular Letter. [See p. 1.] His lordship first moved, that the letter be read, and also the Convention Act of Ireland; which having been read, he said he should reverse the usual practice of the House, by stating his motion first, and giving his reasons afterwards. He stated his motion to be for declaring the letter of Mr. Pole to be a violation of the law, inasmuch as it required the magistrates to do acts not authorised by the law, and wholly inconsistent with a due and proper spirit of conciliation. His lordship observed that the Convention Act was a penal statute, and it was a well known maxim of law, that all penal statutes must be strictly construed. He then read passages of the Convention Act, to shew that it was directed against delegated assemblies, met for the purpose of discussing any alteration in matters established in church or state, and was not intended to operate against meetings for the purpose of petitioning for the redress of grievances. Were persons delegated to present a petition to be considered as delegates within the meaning of the act? If so, three millions of his majesty's subjects would be deprived of the right of petitioning. Were persons appointed to go round to get a petion signed to be considered as delegates or managers within the meaning of the act? Upon these points the law, he contended, was clear, and that such acts would be perfectly legal. The noble earl related an anecdote upon this subject of a Petition from Kent, during the last war, for peace, in which he took an active part, and where by means of Committees in the different divisions of the county, 17,000 signatures were obtained to the petition, which he presented to his Majesty. Had a similar circumstance occurred in Ireland, it would, he contended, have been perfectly legal, and yet Mr. Pole's Letter jumbled together things illegal and legal, and made no distinction. Supposing a person attended one of the meetings pointed at in the Letter, not for the purpose of voting in the election of delegates, but for the purpose of dissuading the rest from voting, and telling them their conduct was illegal, still under the directions of the Letter he would be liable to be arrested and held to bail, merely for being present at the meeting. Here also was another violation of the law, for the act did not authorise the arresting and holding to bail, but merely the dispersing of illegal meetings, and in the case of resistance then the persons resisting became criminal. He defied any lawyer or any one who ever had been a lawyer, to shew that he was wrong in his law as applied to this Letter—a Letter which was written without temper, which not only invited but required the magistrates to do acts not authorised by law, and which was pregnant with danger to the liberties of the subject. He wished there had been a meeting in the Queen's county, of which he was a freeholder, and he would have met Mr. Pole there, if that gentleman had chosen to attend to disperse the meeting; and if a scuffle had ensued, and the death of an individual had been the consequence of the illegal act of Mr. Pole, that gentleman must have been indicted for murder. He did not apply his argument to meetings of Catholics, and strongly objected to the mention of Roman Catholics in the letter; but the law of the case applied equally to all meetings, whether of Catholics or Protestants. It was clearly shewn on the discussion of the Bill in the Irish parliament, that it was not intended by the act to prevent all delegated meetings, but was only meant to apply to meetings attempting to carry on discussions upon proposed alterations in matters established in church and state. It was observed at the time by a member of that parliament, that the Quakers sometimes appointed delegates to discuss matters connected with church and state, and it was replied by the then Attorney-General of Ireland, that the act was not intended to apply to them. It was also stated at that time by Mr. George Ponsonby, that if the act was only intended to suppress meetings attempting to discuss measures like a parliament, he would not oppose it; and it was replied by Mr. Hobart, that that was the only object of the bill, and that it was not intended to interfere. He trusted that the latter gentleman, now a peer of that House, would support the opinion he then gave. His lordship contended, upon these grounds, that the letter of Mr. Pole was a violation of the law, in requiring the magistrates to do acts which were not authorized by law, and concluded with a motion declaring it to be so.

The Earl of *Liverpool* doubted whether the noble earl had succeeded in convincing any noble lord in that House that the letter was a violation of the law. He said the object of the Convention Act was well known. It might be a question, however, whether even at common law such an assembly of delegates would not be illegal. It was the uniform course of parliamentary proceedings for instance, that no petition should be received, except from the individuals, subscribing it, or from corporate bodies; and though sometimes petitions of an opposite description were received, yet it proceeded merely from inadvertency. That principle was recognized on a late occasion, when a Petition from the Livery of London was presented, signed by the Lord Mayor and Aldermen, who not being authorized to represent the Livery, the Petition was refused. On looking to the preamble of the act of the 33d of the king, the object of the act would be found very clearly expressed; and though the noble earl had attempted to draw a distinction between managers and delegates, the name under which these delegates were elected, was of very inconsiderable importance, if they were delegates in substance. They were guilty of a contravention of the act of parliament in every fair view of that act. When Circular Letters were sent to the different counties of Ireland, for the purpose of procuring representatives to sit in the Catholic Committee, no man could doubt that this was a contravention of the Convention Act. It had been asked if the Committee was illegal, why was it allowed so long to continue its sittings? He had no doubt that from the moment representatives began to sit in the Committee, it was an illegal meeting, but it might not be expedient to put the law in execution on every violation of it. He saw no ground for the motion of the noble earl.

Lord *Holland* wished to recall the attention of the House to the real state of the question. The question at issue was not whether the meeting in Dublin was legal or illegal, or whether the electing of managers was legal or illegal, but whether the mode of proceeding pointed out in the letter of Mr. Secretary Pole, was a legal mode of proceeding. It certainly was a presumption in favour of his noble friend's motion, that the noble Secretary, whose perspicuity and distinctness were well known, had not said a single word in favour of the legality of Mr. Pole's letter. Supposing government would not recognize the legality of the Petition of the livery of London, did it therefore follow, that those who signed it were guilty of an illegal act, and could be held to bail for it? Mr. Pole had done what by the Convention Act he was not authorised to do. Admitting that those who assembled in consequence of Mr. Hay's letter were guilty of a misdemeanor, was the Irish Secretary authorized to issue such a letter as he had issued? It was with reluctance that he brought himself to censure the conduct of the Irish government; for he considered the noble person at the head of that government, to whom he had the honour of being related, to have conducted himself with great moderation and prudence; and for one he was willing to pay him his tribute of gratitude.—His objections to the letter were of two sorts: first, Mr. Pole had deduced consequences from the 33d of the king, which he was not justified in deducing. Secondly, The offence against which his letter was directed was not the offence specified in the Convention Act. The noble lord then proceeded to comment upon the act of the 33d of the king, and the letter of Mr. Pole, and to shew that some of the acts in that letter for doing which their authors were directed to be apprehended and held to bail, were not prohibited by the act of parliament, and were in themselves innocent. He said, no man could be held to bail at common law for a misdemeanor. If it was legal to hold to bail for a misdemeanor, then the proceedings in the case of the Seven Bishops were perfectly legal. If any of the magistrates, in the execution of the injunctions of Mr. Pole's letter, on their being resisted, had proceeded to acts of violence, from which lives had been lost, they would certainly have been, as was said by his noble friend, guilty of murder; and actions of wrongous imprisonment certainly would have lain against every magistrate who should have attempted to carry the directions of Mr. Pole's letter into execution. He recollected that when a very worthy and a very learned man, the late Gilbert Wakefield, was tried, the indictment had run in rather a whimsical form; the words being, as far as he could rememer, "That he had by certain libellous issages *stirred up* his Majesty's liege subcts to a mischievous and seditious *inactity.*" Mr. Wellesley Pole's letter did, on ie contrary, stir up, not the people, but ie magistrates, not to inactivity but to ernicious, dangerous, and illegal *activity;* id if Mr. Wakefield was to be punished r working upon the people to be so ickedly *quiet and inactive,* what must be id of Mr. Wellesley Pole, who had rompted the magistracy to *break* the laws nd throw the whole country in confusion, y forcibly imprisoning two thirds of the opulation of the country? While, howver, he condemned the spirit which dicated, and the language in which the letter vas drawn up, he would not thereby involve the whole of the Irish government n an indiscriminate censure. He must o justice to the moderation and impartiaity which had uniformly marked the conluct of his noble relative, the duke of Richnond, since he had been placed at the iead of that government; but their lordhips would do well, while they made this ust exception, not to pass unnoticed and incensured the inconsiderate and dangerous interpretation of the law which had hat night been set up as a justification of he conduct of the Secretary of the Irish government, in issuing such a letter as that o which the attention and reprobation of that House had been so properly directed by his noble friend.

The *Lord Chancellor* justified the general tenor of the Letter; though he was willing to confess that in some parts of it, the words were somewhat slovenly got together. The Convention Bill, to which such frequent reference had been made, had not in its view the Catholics of Ireland. It had in contemplation the assembling of any description of persons who met together for the purpose of electing others who were to interfere in matters of church and state. It was the nature and intention of such meetings that made them legal or illegal. It mattered not under what denomination they were known; whether delegates, managers, or any other. They would take their character from their mode of proceeding. If the assembly which these delegates or managers proposed to elect was an unlawful assembly, so would the assembly be which should elect them. The elected, or appointed, according to the nature of the object for which they should have been chosen, communicated the legality or illegality of their meeting to the body electing them. Such was the interpretation of the law upon which the letter proceeded; and he could not consider it as improper, much less as rash and dangerous. When he applied the term sloveuly to the letter of Mr. Pole, he by no means intended to impute any blame to that gentleman. The fault was not with him. Perhaps a little more care and caution in the drawing of it up might have removed all room for cavil; at least it might have saved many of the observations which had protracted unnecessarily the present discussion. He thought it would be, therefore, going a great deal too far, to accede to the motion.

Lord *Grenville* was willing to acknowledge the candour and the fairness with which the noble and learned lord had spoken of Mr. Secretary Pole's Letter, but he could not concur in the inferences which that noble and learned lord had drawn from the statement laid down by him. He should not now go into any detail of the arguments which might be urged on the present occasion. He would content himself with asking whether, by the mere act of being present at such an assembly, without voting, or otherwise concurring in the business of such a meeting, could subject a person to the penalties of the act? The noble and learned lord would not surely state the affirmative. Yet, by virtue of Mr. Pole's Letter, any man, merely for the crime of simply being present at such an assembly, was liable to be arrested and imprisoned. Their lordships would no doubt feel themselves bound to record on their Journals their marked disapprobation of such an interpretation of the law, and of the dangerous measure which had been grounded on it. He could not help considering such a stretch of power resorted to in Ireland, as a fresh proof of a disposition hostile to every measure and demonstration of conciliation towards that country. When duly considered, how monstrous must it not appear! What, make three millions of our fellow subjects liable to be arrested and imprisoned at the will of a Secretary of the government! How would such a doctrine sound in the ears of Englishmen? How would they relish such a practice? What clamours would be raised in England, if not three million, but three hundred, nay, if thirty persons were to be so arrested, and thrown into prison; such was the difference of opinion between the inhabitants of these two parts of the empire —such the different temper of the law as administered respecting them! He should therefore support the motion of the noble earl.

The Earl of *Buckinghamshire* thought that Mr. Pole had been dealt rather harshly by during the course of the debate. He was, however, confident that no measure had been adopted by that gentleman, nor the letter in question written by him, without the advice and approbation of the law officers of Ireland. It was therefore hard to impute to him only, whatever blame might be thought to attach to the letter, though, no doubt, Mr. Pole must take his due share of responsibility for the measure. As to the intention of the Convention Act, he would confidently say, that it was not levelled against the body of the Roman Catholics, but was passed at the close of a session, and chiefly directed against the meetings of the United Irishmen, from which improper proceedings were to be apprehended at that time.

Lord *Grenville* disclaimed any intention of treating Mr. Pole with harshness or disrespect. There would be an end to all responsibility, and parliament itself would be completely useless, if no responsibility were to attach to a person for any measure which even bore his signature, and thus openly avowed the approbation and sanction of such measure by the person who adopted it.

Lord *Holland* declared himself to the same effect.

The *Lord Chancellor* again explained, and said, that surely nothing could be more foreign from his mind than to make any unhandsome allusion to the Lord Chancellor of Ireland, for whose estimable qualities, as a man and a judge, he had ever entertained the highest respect.

Earl *Stanhope* in reply, thanked the noble and learned lord on the woolsack, for the candour and fairness which he had displayed that night. It had saved him from the trimming which he had prepared for him. Had any other lawyer attempted to hold a different language, he should have given that lawyer a complete basting. He rejoiced in having brought forward the present motion. It had drawn from the noble and learned lord many useful confessions; and it had drawn from his two noble and distinguished friends (lords Grenville and Holland) the soundest doctrines, and the most appropriate observations. He was, therefore, determined to take the sense of the House upon the motion. It was to strength of argument I looked, and not to strength of numbers.

The House then divided. Contents Non-Contents 21—Majority against the Motion 15.

List of the Minority.

Duke of Norfolk,	Lord Grenville,
Bedford,	Holland,
Earl Stanhope,	Montfort.

HOUSE OF COMMONS.

Thursday, April 4.

PAY AND ALLOWANCES OF THE ARMY. General *Gascoyne* rose pursuant to notice to move for a Committee to inquire into the Pay and Allowances to the Land Forces of this country, so far as the same related to sums granted by Parliament. He was sorry that the business had not fallen into hands more able to do justice to it than he was conscious that he was; and he was still more sorry that it had not been brought forward by his Majesty's ministers. His object, he begged it to be understood, was not to increase the pay of the officers in the army. Deeply as he was impressed with the inadequacy of their pay to their increased expences; he was far from entertaining such an idea. If any increase was to be made, he knew that the proposition would come with infinitely greater propriety from that source whence every thing of the kind ought to emanate—from the crown. The partiality of the King to this branch of our service was so well known, that it would be unnecessary for him to dwell on it. The royal personage, too, who had long held a Commission in the Army, and who was himself a practical soldier, there could not be a doubt, was sensible of, and anxious to afford relief to the officers of our army. That royal personage was as practical a soldier as any in our army, and there was nothing which withheld him from participating in the laurels so proudly earned by our brave officers, but the high rank he held in the country; and, he entertained no doubt, that if the royal person to whom he alluded had seen the propriety of proposing an increase to the pay of officers in the army he would have recommended it. Having now stated what was not his object he should go on to state shortly what it was, and should endeavour to draw a comparison between the allowances to the officers of the army now and what they ere at the first establishment of regular giments in the year 1614. At that me sixpence per day was fixed as the gular pay of a soldier; and this also ore on the pay of the officer, the pay of n Ensign being fixed at six days pay of e soldiers; that of the Lieutenant at ght days pay; the captains at sixteen ays pay, and so on. In the reign of king /illiam, an improvement was made in the tuation of the officers in our army, not y way of increase of pay, but of allowance. n injurious practice had prevailed previous to that period, of officers withdrawing soldiers from the line, and treating em as their own private servants. In eu thereof it was then settled, that each fficer should have a servant, or an adeuate compensation for a servant. In the ear 1695, a lieutenant colonel's pay was 7s. at present it was 17s. but liable to a eduction on account of the income tax, hich reduced it to 15s. 9d. The pay of major was then 15s.—now it was 16s.; ut after deduction of the Income Tax, mounted only to 14s. 9d. A captain's as then 9s. and after deduction of the Income Tax, amounted to the same sum at is moment. Officers had then, too, certain perquisites. Each captain had the aying of his own company, and deived an emolument from non-effectives, o a greater amount than the House night be inclined to believe, namely o between 40 and 50*l.* each. By Mr. Burke's Bill, each captain was allowed, in lace of the stock-purse, 20*l.* a year. This vas taking the company at the low establishment of 40 men; but if it could have een supposed that the company might mount, as it now did, on an average to 80 nen, could it be supposed that the framer f that Bill would have objected to making he allowance 40*l.* and so in proportion? And, if this was so, could it be alleged hat what was then given in lieu of the tock purse was an adequate compensation? A bill had lately passed that House, llowing to officers in the customs compensation for the abolition of certain fees, n proportion to the amount thereof; and f this was the case with the fees or emouments derived by officers of the customs, vas it too much to desire that a similar ine of conduct should be pursued with regard to officers in the army? This he submitted to the House as a fact, that instead of any increase having been made to the pay, or even to the allowances of officers n the army from the very earliest periods, the allowances to which they were entitled in the year 1695 were infinitely more considerable than they now were in the year 1811. If this was so, and he was sure it was, he asked of the House whether they would not on this account be the more inclined to pay attention to their other claims? He might be told that the pay of captains in the army was increased in the year 1806; but what was it? They received an increase of 1*s.* 0½*d.* but the 1*s.* was immediately afterwards taken from them, and the ½*d.* alone remained. He did not mean to exempt the officers in the army from the Income Tax: that was a measure which might seem to admit of dispute. The fact which he wished to impress on the House, was this, that they had less now than they had 150 years ago. Captains were originally allowed contingent men for the repair of arms, which was changed into 25 days pay for three men, and he now called on the House to consider if 6*d.* per day was no more than sufficient for defraying this expence 150 years ago, whether it might not be supposed to have increased in the same ratio with the pay of the soldiers, and of course, at this moment to have doubled its original amount? It might be objected to him, that the army for whom he now volunteered as the advocate, had made no remonstrances, had put in no claim upon the subject; to this he should answer, that if the army had put in any such remonstrance, or had forwarded any such complaint, he would have been the first man in that House to resist, in the most strenuous manner, any such claim, because he thought it hostile to every principle of the constitution that an armed body should become deliberative. After some further observations, he concluded with moving, That a Committee be appointed to inquire into the state of his Majesty's Land-Forces so far as relates to the distribution of money granted by parliament for the pay and allowances thereof.

Mr. *Taylor* supported the motion. It was matter of general observation amongst foreign courts, that a country so wealthy as this was should place her military establishment, as far at least as related to captains in the army, upon an establishment comparatively so low.

Lord *Palmerston* said, he felt as strongly as the gallant general himself for the comfort and convenience of the English army. He was sure they deserved well of their country upon all occasions, but at the present moment, in particular, they had proved a claim to its regard which should not be met with any parsimonious or illiberal feeling. The situation, however, in which he stood was far from a gracious one; obliged to resist a proposition which was considered favourable to those upon whose behalf it was made, he felt that his situation was one of difficulty and embarrassment. He acquitted the gallant general of seeking popularity by the motion, or pursuing any other object than his duty in bringing it forward; but at the same time he could not help regretting that he had thought proper to do so. He was sure that the good sense of the officers of the army would give full credit to the House and to his Majesty's ministers for deciding upon a full and impartial consideration of the subject. He would not follow the gallant general in the statement he had given of the pay of the army, nor was he inclined to agree in all the conclusions drawn from that statement. The income tax was certainly a reduction, but the gallant general himself allowed that they should not be exempted from it; and in so allowing, had overthrown a great part of the argument upon which he rested his case. There was a material distinction to be observed between the pay of the soldier and the pay of the officer; that of the soldier was intended to supply him with the necessaries of life; but that of the officer was more in the nature of an honourable reward for his services, the value of which he would appreciate not so much by the sum it contained, as by the principle upon which it was granted. Besides, every officer entered the army with his eyes open, he knew what the remuneration was, and the House might depend that it was not by the addition of a few shillings in the day that they would obtain men who would be more ambitious of the glory of their country. The captains had obtained an increase of pay, and the allowance for forage, lodging and travelling, had been greatly increased. As to the allowances to those embarking on foreign service, it was submitted to a board of general officers who would report their opinion. But was it wise, was it prudent for the House to refer a question of this importance to the consideration of a Committee? The measure was not for a general increase, but for an increase in favour of one rank. The appointment of such a Committee would give rise to expectations, which it would be wrong to encourage, and might produce correspondent claims from the navy. If the House could be assured that this was a measure which would give full satisfaction to the army, there might be some reason for the motion, but if its effect would only be to open a wide field of inquiry, it was a useless and injurious speculation. The warrant to which the gallant general had referred, limited the stock purse to 20*l.* and was it fit that the House should exceed that limitation? The greatest compensation that could be given was given by Mr. Burke's Bill, and the army was now in a better condition than formerly, whatever might be said to the contrary. He was persuaded, that when they considered the mischief which might arise from setting afloat such ideas in both services as the motion was calculated to give rise to, and reflected how much better any change would come from another quarter than from a Committee, the House would agree with him in giving a negative to the motion.

Mr. *Hutchinson* confessed that he was not convinced by the arguments of the noble lord either of the impropriety or unseasonableness of the motion made by the gallant general. He did not, therefore, then rise to defend observations which, in his opinion, remained unrefuted; but, in one part of the noble lord's speech he had complained of the ill effects to be apprehended from agitating the discussion of so delicate a subject in that place. This objection to motions originating on that side of the House was certainly by no means a novel one; but it was not for that reason to be the less censured. It was one of those objections which was more to be resisted on account of the principle upon which it rested, than from any force actually in the objection itself. A member of parliament was not to be deterred from pursuing that line of conduct which his own conscientious sense of public duty pointed out to him. He was not to be diverted from that line of duty by vague charges of exciting discontent out of doors. If there was any use in the Commons House of Parliament, it was in the right and opportunity it afforded of discussing all public measures, and investigating all alleged grievances with the freedom of truth. And there could not be a more dangerous innovation upon one of their oldest and most essential privileges, than the attempt to resist the introduction of any question, by creating objections against it out of the imaginary bad consequences which it was presumed would arise from its discussion. With respect to the motion before the House, the assertion of the gallant general, that the pay of the captains of the army had experienced no increase for the last hundred years, with the solitary exception of a shilling a day, was not contradicted by the noble lord, and was in itself a sufficient ground for the inquiry moved for. He was aware of the delicacy of such questions, but the present was not a new one; an increase in the pay of a department of the navy had taken place within a few years. The increase now proposed would not exceed 80 or 90,000*l.* a year; what was that sum to take out of the Treasury compared with the importance of the object to be effected? A trifling economy in sundry parts of the different public estimates would more than pay the difference. The income tax, in his opinion, operated most harshly upon those officers who were out on foreign service, and whose private income was perhaps extremely confined. He thought that they, at least, should be exempted from that tax. He spoke in the hearing of those members of the government who had thought it necessary to raise their own salaries. He did not complain of this; so far from it, that he believed it to have been absolutely necessary. Men high in public office, were so poorly paid by their respective salaries, that, while discharging great public trusts, they were living upon their own private fortunes; therefore he did not complain of that increase, but he thought it was an argument by analogy in favour of the increase now sought for. The noble lord had said, very truly, that the British officer did not enter the army merely to obtain a subsistence; no doubt he did not. The British officer entered upon the career of his profession with too much glow of heart to think of less than the fame of a soldier; but, at the same time, the country was not the less bound to take care that the British officer should not suffer, because he thought infinitely more of his professional honour, than his private emolument, of that country's interest, than of his own. Let the noble lord make this the test of the inquiry. Could the officer live upon his pay? Were they not bound in justice to provide that the officer should have at least enough to live upon? The answer must decide the propriety, or impropriety, of the present motion. But, it was apprehended, that the agitating this question, might excite unreasonable expectations on the part of the army. Was this doing justice to the army? It was said, an unfavourable result might produce dissatisfaction. Was this, he asked, to be expected from the British officers? As for their conduct against the enemy, it was above all praise. Maida and Busaco spoke a more intelligible language in behalf of the British army than mere praise could do. But he would venture to say, that if we were capable of suspecting such men of being tempted for a moment by any grievances, real or imaginary, to forget their great duty to themselves, their honourable profession, and their country, we were unworthy of such an army.

Sir *James Pulteney* was of opinion that the proposed mode would not accord with the feelings of military men, and that although the general object was desirable, it ought to be accomplished in a different manner.

General *Tarleton*, notwithstanding any unpopularity which might attach upon him for delivering the sentiments which he should deliver, would not therefore be deterred therefrom. In a debate, at the conclusion of the last war, it was observed by a noble lord, upon a motion similar in its nature to the present, that the time for such motion was not when the country was at war, but that it would be more advisable to agitate it in time of peace. In that opinion the hon. and gallant general concurred, and he still retained the same opinion. The question, in a war of a protracted nature like the present, ought not to be entertained; at the same time he was disposed to admit, that his brave comrades in arms had cause for complaint, for the pay of the army officers, from the rank of field marshal down to that of ensign, was inadequate. It was not sufficient to support them in the rank which every officer in the British army ought to hold; but if the situation of any one class of officers was to be considered, the whole would have an equal claim. The hon. and gallant general considered, that the increase of salary given to officers in the government, the masters in chancery, &c. was properly so given, but from this motion he must dissent; it ought not to be agitated until the termination of the war. He had lived and served long enough in various situations in the world, not to be well satisfied, that all descriptions of troops were ready and willing to do their duty. There was not in any country in which he had served, a class so truly respectable and brave as that of British officers, either in public or private. Having said thus much, he should say a word or two about the army itself. The contest was a serious one, and it was the duty of the government to take the best means of keeping that army regularly supplied. Now, as to recruiting the army, there was but one line of conduct to pursue, and that was, to make the local militia subservient to the regular militia, and the regular militia to the army of the line; so that, in case of emergency, the country might have a well-disciplined force to look to. That was the best mode to be adopted. He had seen in former wars the practical benefit of such a system. The men raised by recruiting from the militia were well appointed, good soldiers, and fought well. He wished to impress on the attention of the colonels of militia that such was the case, and they must take a pride in it. It was such men as fought at Barrosa, at Alexandria, at Maida, and elsewhere that composed the armies. With regard to any dissatisfaction among the officers that the motion was not agreed to, he knew them too well to apprehend any thing of the sort: they were brave and intrepid in fight—cool, and inured to suffer, they would not complain; for the reasons he had stated, therefore, he suggested to the hon. general to withdraw his motion for the present.

Sir *T. Turton* supported the motion, and contended that the present pay was very inadequate to the maintenance of the class of officers, the subject of the motion. Much had been said of honour, but would honour buy a man a coat? The hon. bart. adverted to the estimates for the army, and said that many errors were in those estimates; that many of the regiments had not the complements therein stated, consequently that the public were defrauded. This, he said, he could shew the House. With respect to the increase of pay, it could not amount in the year, by his calculation, to more than 47,000*l.*—a sum which was not an object to the public. He thought that some of the expences of the army establishment might be avoided; for instance, the cavalry might be reduced; there was no occasion to keep a force of that description of 17,600 men; a reduction of 2,000 would save 100,000*l.* annually.

Mr. *J. Smith* was in favour of the motion, because there was among the officers what all must lament, a degree of distress incompatible with the character of the officers of the British army.

Mr. *H. Thornton* thought that the object of the House should not be confined to the consideration of what was reasonably sufficient to the comfort and convenience of the army, but what was a sufficient inducement to men to enter into the profession. In another point of view it appeared to him that the nice honour of the military character, and the universal respect paid to it, afforded a material compensation for the necessary difficulties attending it. He had, however, no objection to the proposal of referring the consideration to a Committee.

Mr. *Wilberforce* entertained a similar opinion, and suggested for the consideration of his Majesty's government, whether some alteration would not be desirable in the naval service with respect to the attainment of rank. It was to be observed, a considerable time elapsed before an officer, however high his merits could rise, unless he had friends at the Board. He had known a midshipman obtain no higher rank for a period of 25 years, and yet he was an excellent officer. He thought that the system of gradation and succession should be adopted in our service.

General *Gascoyne* said, that what he had heard advanced against his motion, appeared to him of so little weight, that he could not consent to withdraw it.

The question was then put, and negatived without a division.

CULTIVATION OF THE WEST INDIA COLONIES BY FREE LABOURERS.] Mr. *Barham* rose to bring forward a motion upon the subject of Free Labourers for the West Indian colonies. The great object which he had in view in bringing his plan before the House was, to lay the foundation of a system which would do away the necessity of negro slavery, and totally eradicate it from the islands. He did not wish to interfere with the system at once, but to arrive at it by slow degrees, so that at last the abolition should be complete. In order to effect this, as it appeared to him a great and desirable object, he should propose to introduce into the colonies a Supply of free Labourers, who might shew to the slaves an example of what voluntary industry could accomplish; and he was the more inclined to this, because of late years, the population had materially dereased. The hon. gent. then read a letter, /hich he had received by the last packet, vhich stated, that the returns to the Asembly of Jamaica, on the 28th of March, 810, were 10,000 slaves within the year, f which number, the decrease had been early on the average two per cent. This lecrease he hoped would in future be proided for by his plans, and that a comnixture of manners would produce an melioration not only of manners, but of ondition among the slaves. This he coneived he was fairly justified in supposing rom the number of Europeans who would e introduced; and the introduction would ave this beneficial effect, that it would eep our possessions more secure than they vere at present, under the frail tenure of laves; cultivation of the soil would be adanced, and the class of labourers he oped to see introduced would be drawn rom the shores of Hindostan. He oberved, that he had mentioned his plan to he late Mr. Windham when he was at the ead of the colonial department, and that gent. had approved of it, and urged him to ersevere. He now was urged to bring it orward, from the recollection that Batavia would produce many of their people. Persons thus brought, with their wives and families, should be free; not slaves of necessity, but shewing an example of domestic life, such as would induce the slaves to follow the example. He calculated, that in two years after this exportation, he should be enabled to ascertain whether the plan would succeed. At least, he thought it was a fit subject for discussion in a Committee. It would require no pecuniary aid from the public; and should it be determined that this was not the proper time to adopt it, then it might be adopted when it was judged expedient. The hon. gent. concluded by moving:—"That a Committee be appointed to consider of the practicability and expediency of supplying our West India colonies with free labourers from the East, and to report their opinion thereupon."

Mr. *Browne* said, that he did not rise to oppose the motion of the hon. gent., for whom, indeed, he entertained such a respect, as would induce him to further rather than to retard any object which he might have in view. He declared, however, that, with the most sincere wishes for the amelioration of the state of the slaves in the West Indies, he could not avoid thinking the plan proposed by the hon. gent. a visionary scheme; difficult in the execution, and of very doubtful advantage. Still he was desirous that it should undergo investigation; and the principal purpose for which he rose, was to impress upon the House the importance of not coming to a final determination on the subject, until those had been consulted whose interests were so materially at stake. He said this, because he knew that the project of the hon. gent. would be received favourably by the House; and because he was apprehensive, that in the ardour of their feelings they might neglect what would perhaps appear to them minor considerations. He entreated them, therefore, to look at the subject in all its bearings; to look at it with a view to the nature of the advantages proposed by the plan—to the practicability of the plan—and above all, to the danger which might result, in the event of a failure, from the introduction of a vast additional population into the West Indies.

Mr. *Wilberforce*, after observing that a proposition could come from no quarter more deserving of attention, stated that he would not oppose the motion. But it would not be understood, that the House consented to enter into the inquiry upon an admission of the principles relied on by the hon. gent. who proposed the plan. It might, however, be suggested, that nothing was more dangerous than that a community should be formed wholly of two classes, the high and the low, and that it might be beneficial to establish an intermediate rank. So far the plan appeared at first sight well worthy of attention. Without, therefore, pledging themselves to any particular line of proceeding, the House would enter upon the investigation with the most sincere desire to discover the truth.

Mr. *Stephen* admitted, that no one could be more entitled to every deference than the hon. gent. who brought forward this plan, and had so disinterestedly supported the sacred cause with which it had some connection. But he must declare his utter despair of any good resulting from it. His reasons were these: while slavery existed in the West Indies, it was impossible that free labour could succeed in competition with it. To prove this, he adverted to the failure of the scheme by which Chinese had been imported into Trinidad. Notwithstanding their industry in their own country—though they were not accompanied by wives or children, a negro did as much in a week as one of them in a month. Yet his hon. friend proposed that they should be carried to the West Indies with their wives and children. Another reason was, that he had always thought, and still maintained, that the negro population of the West Indies, would, with good treatment, support itself. This had been proved by the best evidence of which the subject was susceptible. He admitted, that this might not succeed where there was a great disproportion between the numbers of each sex, but the evil would not be cured by his hon. friend's plan, unless he proposed to import females only. The colonial legislatures had not as yet acted upon the abolition as a permanent system. They had passed no acts to attach the negroes to the soil they cultivated, nor adopted any other measures to keep up their numbers. They perhaps never would, if they were permitted to look to a resource of this kind. It would, besides, be unjust to bring the Chinese into a situation, of the nature of which they were not aware. They would in the West Indies be considered as mulattoes, a degraded class, excluded from even the meanest offices of government. But though he expected no good from this inquiry, he would not oppose the motion.

Mr. *Huskisson* expressed his strong detestation of the abominable traffic in human beings, and declared that he should concur in the appointment of the Committee, although he had several doubts, similar to those stated by the hon. gent. who had just spoken, as to the probable result of the investigation.

Mr. *Hibbert* defended the Colonial Assemblies from the charges which had been preferred against them. He supported the proposition of his hon. friend.

The motion was then agreed to; and a Committee was appointed.

Expiration of the Charter of the East India Company.] The Chancellor of the Exchequer, after adverting to the act of the 33d of the King, which required, that soon after the 1st of March 1811, notice should be given of the expiration of the East India Company's Charter in three years, and of the payment of the sums due from the public; and after observing that the original sum of 4,200,000*l.* was reduced to 1,207,550*l.* by payments in the same session, moved, "That notice be given that the sum of 1,207,559*l.* 15*s.* and all arrears of annuity payable in respect thereof, being the remainder of the capital stock debt or sum due from the public to the united company of merchants of England trading to the East Indies, will be redeemed and paid off on the 10th day of April 1814, agreeable to the power of redemption contained in the last mentioned act."

Mr. *Creevey* observed, that Mr. Pitt, in the year 1791, gave notice to the East India Company, that their charter would expire in three years; but that no renewal of the charter took place until 1793. He hoped that as long a time would be allowed to elapse in the present instance before Parliament would be called upon to consider the expediency of a renewal of the charter.

Mr. *Dundas* would not consent to pledge government to any such engagement as that described by the hon. gentleman.

The motion was then agreed to; as was also the following: "That the Speaker do, on the 10th instant, signify the same in writing to the Directors of the East India Company."

HOUSE OF LORDS.

Friday, April 5.

Offices in Reversion Bill.] The order of the day being moved,

Earl *Grosvenor* rose, pursuant to notice, to move the second reading of the Bill for preventing the granting of Places in Reversion. He felt that the present moment was not the most auspicious for carrying that salutary measure into effect; but he was not therefore discouraged from endeavouring to do his duty, and to redeem the pledge which he had given to that effect. There were, besides, many circumstances connected with the present measure, which he could have wished to bring under their lordships' consideration at the same time; but neither was the present the moment for entering into that discussion. He should, however, persevere in the line he had chalked out to himself, and persist in moving the second reading of the Bill, let the result be what it might. He knew that it was the intention of the noble and learned lord on the woolsack to oppose his motion, but he trusted that noble and learned lord would not forget that in proposing the suspension of the same bill last session, he had in a great degree acknowledged the justice of its principle. Their lordships well knew that the measure which he had the honour proposing, originated with the Finance ommittee of the other House; a Com- ittee to which the people at large looked with confidence for many salutary re- lations in the expenditure of the coun- y; and although their patriotic endea- ours had not met with the success they eserved (for many difficulties and dis- ouragements had been thrown in their ay, perhaps even by those who should ther have promoted, than obstructed the easure), still that Committee had de- rved the thanks, and obtained the ighest approbation of the people. This was no more than justice and candour avow. When a more favourable time rrived, as arrive he trusted it would, he hould again bring forward a measure hich the public had such just reason to xpect would be adopted. The noble arl concluded with moving the second ading of the Bill.

The *Lord Chancellor* never had said, and ever would say that the principle of the ill was not a good one, and fit to be cted upon; but he objected to it as at- mpting at the time to carry only one art, and that comparatively but a less nportant and less urgent part, of a great easure with which the present was but lightly connected. If the power of ranting places in reversion were taken rom the crown, he was at a loss to see hy places in possession might not be aken away also. This power had been ested in the crown for three, four or five enturies; and had often been exercised or the best of purposes: he was not, herefore, for withdrawing it from the rown, without being sure that such a de- alcation from the power of the crown vould lead to some general measure of great public utility. Besides, in conse- uence of the provisions which Parliament ad thought proper to introduce into the Regency bill, the power of granting laces in reversion was now in abeyance. To agitate the question, therefore, under he present circumstances, would not, in is opinion, lead to any practical good.

Earl *Grosvenor* briefly replied; and the uestion being put, That the bill be read a econd time, it was negatived without a di- ision.

The Earl of *Liverpool* then moved, That he Bill be rejected.

Earl *Grey* thought it was going too far o reject the bill, as that implied an hosti- ity to its principle. To this he could not onsent, but under the circumstances of the present moment, he should not object to the postponement of the second reading of the bill for six months. At the same time he must observe, that they were much indebted to his noble friend for bringing this subject forward; and he trusted that his noble friend would again press it at another opportunity.

The Earl of *Liverpool* could not but think, that in consequence of the restrictions now imposed upon that power, in the hands of the Prince Regent, the bill should for the present be rejected. He had no objection, however, to accede to the opinion of the noble earl.

It was then moved, That the bill be read a second time that day six months; which amendment was agreed to.

HOUSE OF COMMONS.

Friday, April 5.

PETITION RESPECTING THE ISLAND OF TRINIDAD.] Mr. Bathurst presented a Petition from the merchants of Bristol trading to the island of Trinidad, setting forth "That the whole body of the inhabitants of the British island of Trinidad, as well as the merchants of the cities of London, Dublin, Glasgow, Liverpool, Lancaster, and Cork, trading to the said island, have petitioned for the establishment of the British laws therein; and that the system of jurisprudence at present in force in the said island is wholly incompatible with its commercial relations with this country, and highly prejudicial to the interests of the petitioners; and praying the House to afford them relief in the premises, either by addressing his Majesty to place the said island upon the same footing as the other British colonies in the West Indies, or by such other mode as to the House may seem most fitting."

Mr. *Marryatt* thought his hon. friend, the Chancellor of the Exchequer ought to have said something satisfactory on the subject.

The *Chancellor of the Exchequer* did not think it necessary to say any thing, as the subject was already under the consideration of his Majesty's government.

PRINTERS' BILL.] Mr. *H. Martin* moved the committal of the Bill to explain and amend an act passed in the 39th year of his Majesty's reign, intituled, "An Act for the more effectual suppression of societies established for seditious and treasonable purposes, and for better preventing treasonable and seditious practices," so far as respects certain penalties on printers and publishers.

The *Attorney General* opposed the clause of confining the magistrate to the levying of one penalty only for every publication, however numerous the copies. If this were to pass, the end of the law would be entirely defeated. No man wishing to circulate a mischievous paper, would be deterred by such a consideration.

Mr. *H. Martin* had thought himself fully warranted in proposing that there should be only one penalty for each impression. He requested the House to observe, that all the penalties to which printers had been liable before the 39th of the king would still be in force after this bill passed into a law. There would be no additional security for libels. The object of it was to place the law on its former footing, or nearly so. To shew the propriety of this, he called the attention of the House to the history of the act of the 39th of the king, the most material part of which it was the design of this bill to repeal. It had originated from the opinion, that extraordinary vigilance and rigour were necessary to counteract the machinations of seditious societies, who circulated a vast number of papers, the printers of which could never, without great difficulty, be discovered. It was therefore required that as an additional security every printer should be made liable to heavy penalties, who should neglect to put his name to whatever he printed. But, if a libel was published, the printer was still subject to prosecution for that offence as before. These societies no longer existed, and the act being calculated only to meet a particular exigency, ought now to be considerably modified, if not repealed. Let the House consider how the law stood, whilst such enormous penalties might be incurred even by inadvertency. The Attorney General himself, he believed, about two years ago, had found it necessary to bring in a bill to indemnify persons who had violated it. Was it fitting that the act should still be continued on the statute books in its present shape? that it should still be hung up *in terrorem*? and that bills of indemnity should be passed at the end of every two or three years, to afford some mitigation of the hardships resulting from it? If he could secure his hon. and learned friend's support, by consenting to enlarge the penalty, he should be disposed to yield far. But how was it possible to perm the law to stand as it was? to leave th printer liable to a penalty for every cop of a pamphlet, hand-bill, or any other publication, merely for neglecting to put h name to them? The business was unde sufficient regulation without this. He has been answerable for his publications before the time of the seditious societie whose practices had been the only groun upon which the additional regulations ha been established. It was impossible fo printers to carry on their business withou being well known. They were registere with the clerk of the peace, and subject t other rules, which rendered it impracticable to conceal themselves. Would the Attorney General point out any instance in which a prosecution had failed from a difficulty of finding out the printer? I was not pretended at the time the 39th o the king was under consideration, that there was any difficulty of the kind. It rested entirely on the proceedings of the seditious societies, and they no longer existed: why, then should the business of printing remain subject to this severe hardship? Let the penalty be raised to 100*l*. if the Attorney General wished it; but surely it could not be permitted that a magistrate should have the power of imposing penalties to the extent, perhaps, of 20,000*l*. in a summary manner. No class of the community ought to be so much in the power of the magistrate. His wish was not to innovate, but to restore the law to what it was before, with the exception of this small penalty of 20*l*. for a whole impression, if published without the printer's name.

Mr. *Giddy* proposed that it should only be imperative on the magistrate to impose the penalty for one copy—leaving it in his discretion to carry it beyond this, or even to go the whole length, according as the omission should appear to be an oversight, or to spring from bad intention.

The *Chancellor of the Exchequer* thought the penalty as proposed by his hon. and learned friend who brought in the Bill would be entirely useless. It would do nothing in the way of preventing the secret circulation of mischievous and dangerous publications. It would only affect those who might err, not from dishonest intention, but inadvertency. The penalty of 20*l*. or rather the risk of incurring it, would be no check upon those who had an extensive mischievous object in view. The

oper course would be to negative this
use,—and amend the other two, leaving
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the case, and his decision would be sub-
t to revision by an appeal to the sessions.
this state they might be content to
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ncy, the whole of the penalties might
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open to mitigation.

Lord *Folkestone* objected to this proposi-
on, as lodging an enormous power in the
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pause before they armed a magistrate
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brought in by his hon. and learned
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was because it did not go the length
repealing the 39th of the king altogether.
is hon. and learned friend had very
operly adverted to the history of that
t. It was the last of a series, beginning
ith the 36th of the king, commonly
nown under the name of the Gagging Bill.
hat the act was passed for a temporary
rpose appeared evidently from the pre-
nble, and why should it be prolonged
yond the occasion? This power might
rhaps afford some relief to the printers;
t it was dangerous to allow it to exist.
he best plan would be to repeal the act
together.

The *Attorney General* observed, that
inters could not but be perfectly aware
the law. They were reading men, and
erefore without excuse if they violated
e act. But in cases of inadvertency and
nest intention, the magistrate would
ve the power of mitigating the penalties.
here might be such cases certainly, and
erefore he would further propose, that the
agistrates should be empowered to miti-
te the penalty to not less than 10*l.* over
d above the reasonable costs of the
osecution.

Sir *Samuel Romilly* understood the provi-
on proposed to be substituted for the
ause under consideration to be this, that
e magistrate might still if he pleased, impose the full penalty for every copy. If this was the meaning, he must say, that the proposal was extremely objectionable. To say nothing of cases of inadvertency, suppose one of the worst description, where criminal intention was unquestionable, was it to be the law of this country that a magistrate might in a summary manner, at his discretion, impose penalties on a subject to the amount of 20,000*l.*? This was a sum which no Court would think of imposing even for a libel after conviction by a jury. A positive law made to prevent the publication of libel was to leave it in the power of a single magistrate to exact this enormous penalty. Printers, his hon. and learned friend had said, were reading men, and therefore inexcusable if they violated the law. But this law had been violated even by those particularly conversant with the law. Masters in Chancery had inadvertently issued printed warrants for attendance without a printer's name, and had been indemnified by act of parliament. Persons of the purest intentions were liable to these penalties. The law punished indiscriminately the criminal and the inadvertent. Nay, it bore particularly hard upon the honest and unwary. They attempted no concealment—while it might be difficult, perhaps, to get hold of the criminal and to levy the penalty from him. In this respect, as well as in many others, the proposition was very objectionable. Why should the most honourable and useful business of printing be subjected to such severe restraints? There were none such till of late; from the period of the Revolution and the establishment of king William on the throne, times which had been generally admitted to be the best of the constitution. On a particular emergency, extraordinary restraints might properly be imposed. The cause was temporary; the effect unfortunately was permanent. If his hon. and learned friend had proposed to repeal the act of the 39th entirely, he would have decidedly supported him.

Mr. *Lockhart* agreed with the noble lord that it would be inexpedient and dangerous to leave to the magistrate the power of convicting in penalties to an unlimited extent. It would be taking from juries the right of determining on libels of any description, and giving that right to the justices and to the courts of quarter sessions. To this he could never consent. Determined enemy as he was to the licentiousness of the press, he could never agree to vest such a power in the hands of the magistrate and the court of quarter sessions. The only correction which suggested itself to his mind was to limit the extent of the penalty in which the magistrate should be empowered to convict. Perhaps 100*l.* might be found a proper limitation.

Mr. *Martin* begged the Committee to consider what would be the effect of allowing the excessive penalties which the present act permitted. The penalties did not belong wholly to the crown. A moiety went to the informer. If therefore the crown were disposed to remit its share of these penalties, a common informer might sue for his proportion, and this would operate as a perpetual imprisonment on the party offending. Now, it was well known that in cases of libel the term of imprisonment adjudged by the court of King's Bench, seldom exceeded two years. Let the Committee recollect the time and circumstances under which the existing act passed. Its object was to prevent the gratuitous distribution of papers of a seditious tendency, by certain societies, which were enumerated in the act. Those societies had ceased to exist; the evil to be apprehended must therefore have ceased to exist; and he was at a loss to discover on what principle the continuance of such severe enactments could be maintained. If continued at all, the extent of the penalty should be limited. What he was anxious to establish, was, that the offending party should be sued for only one penalty. If the single penalty at present enacted were insufficient, let it be increased. Although he should consent reluctantly, yet he would agree even to the extent of the penalty being made 500*l.* leaving to the magistrates the discretion of mitigating it to 5*l.* He would also propose that it should not be in the power of an informer, under any circumstances, if the magistrates were so ill advised as to levy the extent of the penalty, to prevent the crown, if it thought proper, from remitting the whole. He adverted to many cases in which the law might be, and indeed had been, inadvertently violated; and particularly instanced one of an honourable member, a merchant of extensive dealings, who for many years had ignorantly violated the law in printing his bills of lading, &c.; and another of an hon. member, who when a candidate for the East India direction had violated the law in a similar manner in his addresses to the proprietors of East India Stock. Would it be advisable leave to magistrates the power of levyin on persons so circumstanced, or indeed o persons otherwise circumstanced, the enormous fines, which, by the existing a they had incurred?

The *Attorney General*, in order to she how willing he was to go along with h hon. and learned friend as far as he coul proposed that the magistrate should, in n case, have the power of imposing mon than 25 penalties of 20*l.* namely 500*l.*

Mr. *Wilberforce* approved of the amendment, observing, that this was not th only way of punishing libel.

Mr. Martin and the Attorney Genera next agreed, that the magistrate should b allowed to mitigate to 5*l.*; that an appea to the quarter sessions might be entere within 20 days from the time of the conviction; and that six days notice shoul be given to the prosecutor.

The House having resumed, the Repor was ordered to be brought on Monday.

FOREIGN MINISTERS' PENSIONS BILL.] Mr. *Leach* moved the third reading of thi Bill.

Lord *Francis Osborne* felt it his duty to express his decided disapprobation of the Bill. No claims whatever had been urged which thus required the interference of parliament. Not 24 hours had elapsed since that House refused to go into a Committee to consider the claims of the officers of our brave army; and the money which they had refused to the claims of these gallant men, they were now called upon to vote to individuals who had advanced no claim whatever. He trusted that the House would pause before they acceded to a measure of this description; and he would therefore move as an amendment, That the Bill be read a third time that day six months.

Mr. *Morris* said the noble lord had dealt in general statements only. He wished he could have condescended to state in what way the claims of individuals could be brought before the House. The present Bill merely restored to the crown a part of its prerogative, of which it was deprived by the act of last session. The Resolution of the Committee on which that act was founded, was materially departed from. The Resolution proposed the nature of the service as the basis of the pension; but the act put all services of whatever nature on the same footing of ten years. A foreign Ambassador's re-eat from service was not always volunary, but frequently depended on political ccidents beyond his controul; and on his eturn he was cut off from the professional ources of subsistence, which he probably elinquished for his situation. It was exemely hard, therefore, that the crown hould be precluded from taking his case nto consideration. He hoped it would ot be imputed to him that his sentiments n the present occasion were in any way nfluenced by the consideration that an on. relation of his (Mr. Erskine) might oon perhaps have occasion to present imself before the House on account of his ervices in such a situation. He still connued of the same opinion which he mainained when he voted for the Resolutions.

Mr. *Bankes* observed, that the House ad no sooner passed the first measure of eform, which was founded on the report f their Committee on that subject, than hey were required to repeal it. Neverheless, if that measure could be proved njust, it ought to be repealed. That was he point which he wished to examine. Unquestionably there were precedents for he measure which it was proposed to recind. Those who recollected, with him, he parliamentary occurrences of 1783, vould remember that a Bill was then rought in for the regulation of the offices f the exchequer, and for the reduction of he emolument of the Tellers. When that Bill came from the Committee, there was clause in it, providing that it should not perate against a grant in reversion by his Majesty to lord Thurlow, of a Tellership f the Exchequer. To this clause the House disagreed, notwithstanding the exraordinary exertions of a great lawyer lord Kenyon), who then advocated the ights of individuals as other lawyers now dvocated them; and, as he thought, with oo much eagerness. On a division upon his clause, the number in favour of it was 49; that against it 57.—He would repeat vhat he had stated on a former stage of his Bill; namely, that if parliament took ne step in the repeal of the principle of he act passed last session, they must take nany more steps. There were many ersons affected by that act, whose claims vere much stronger than those of the diplomatic individuals to whom the pending bill applied. For instance, previous to he act of last session, the Old Stores vere vested in the crown, which had power to grant pensions to various public officers on it. That act (very wisely in his opinion) deprived the crown of that power. All, therefore, who had what might be called an expectant right under the former practice, possessed a better claim on the House than the individuals whose case was under consideration. But a still stronger circumstance existed: there were individuals who had been deprived by the act of last session, of the expectation of emoluments to which they had a title under two former acts of parliament. By the act of the 49th of the King, c. 36, and by an act passed only two weeks before the act of last session, founded on the Report of the Finance Committee, the crown was empowered to grant allowances to certain Officers of the Excise in England and Scotland; it was empowered to grant those who had served ten years, three fourths of their salaries. By the act of last session, these allowances were reduced to one half of the salaries of these officers. Had not the individuals thus affected, therefore, ten times greater right to complain, than the diplomatic individuals who were the objects of the proposed measure? Did any one suppose from this reasoning that he entertained any wish of opening again the act of last session? Far from it. By that act a proper system of superannuation had been established; and the relaxed habit in which government had previously indulged on that subject, was corrected. The act of last session had passed with the general approbation of the country; and it was not to be disturbed, because a claim was made for two or three individuals, who, he had shewn, had not suffered by it so extensively as many others. Besides, the supporters of the Bill asserted, that all they wanted was to put these gentlemen in the situation in which they were before the act of last session. Now that was impossible. To agree to the proposed Bill, would be to give to the claims of the foreign ministers a sanction which they never before enjoyed.

The *Chancellor of the Exchequer* contended, that whatever might be the merits of the Bill before the House, it would not afford such a dangerous precedent as was apprehended by his hon. friend. With respect to the operation of the act of last session, on those individuals who had expectances on the fund of Old Stores, he did not believe that the previous practice of government had been such as to induce any of those individuals to imagine, that they had a claim on that fund to a greater extent than that which remained after the passing of the act. And as to the Excise Officers, of whom his hon. friend said, that the act of last session had deprived them of expectant rights vested in them by two former acts, the fact was, that in some respects the claims were increased by the last act; for it was provided by it that, after a certain age, not three fourths merely, but the whole of his salary should be allowed to an officer. It was obvious also that the number, who had the slightest shadow of justice for complaint, must be confined to those who entered as clerks in that department of the public service during the short period, a twelvemonth, between the passing of the first of the acts alluded to by his honourable friend, and the passing of the act founded on the Report of the Finance Committee. Nothing could be more clear than that those who had entered the service before that period were not at all entitled to complain of disappointed expectations.

The House then divided—

For the Amendment	23
Against it	50
Majority	—27

The Bill was then read a third time and passed.

CASE OF DE YONGE FOR SELLING GUINEAS.] On the order of the day being read for the House resolving itself into a Committee of Supply,

Lord *Folkestone* rose. He wished, before the House resolved itself into the Committee, to call their attention to a subject which had already been mentioned by him once or twice in the course of the session, but on which he had received no satisfactory information. He alluded to the case of a person convicted some time ago of selling guineas—a Mr. De Yonge. This circumstance took place during the last session of parliament. The question, however, had not been finally decided upon; a point being reserved to be argued in the Exchequer Chambers. Early in the present session, he had inquired of the Attorney General whether any further proceedings were likely to take place? To this the Attorney General had replied, that he was ready to argue the case whenever called upon by the judges to do so: but as he had not been so called upon, he wished now to give notice, that if the point was not decided in the course of the ensuing term, it was his intention to institute some proceeding on the subject. He did not wis to dwell on the peculiar hardship of th case; but he could not help observing that this man, who had no friends, ha been selected as the subject of a prosecution for that which almost every banke and principal tradesman had been guilt of for years. He had been convicted o an old act of parliament made in the reig of Edward 6. He could have wished t have entered more at large into the subject, and to have argued on the nature o the provisions of that act, to ascertain i they were sufficiently comprehensive to reach such a case. He repeated, it wa his intention to give notice, that if the case was not likely to be argued in the ensuing term, he should make a specific motion on the subject, not merely with a view to the hardship of the case, but in order to propose an alteration of the law, or perhaps a repeal of the act under which Mr. De Yonge had been convicted.

The *Attorney General* thought those who had heard the noble lord must be led to imagine that some improper delay had taken place. When the question was put to him by the noble lord some time ago, the courts were not sitting. It being subsequent to the last term, he had then replied, that the case remained to be argued, and that he was ready to argue it when called upon. He wished it to be observed, that it was impossible for it to have been argued between that time and this, there having been no opportunity since; the one term being ended when the question was put, and the next not begun when the subject was again brought forward. He was not aware the prosecution had been dropped, and expected the point reserved would be argued in the ensuing term. While on his legs, the House would perhaps allow him to reply to a charge preferred against him some time before by the noble lord, for dropping a prosecution against a Mr. Collier for printing a libel. He had now the satisfaction of saying—satisfaction for himself, as it enabled him to repel the charge—that he had heard the next day, that Mr. Collier had been tried at Lancashire and convicted.

Lord *Folkestone* observed that the statement of the learned gent. was irrelevant; and was proceeding to offer some further remarks, when

The *Chancellor of the Exchequer* spoke to order. He was surprised to hear the noble lord complain that the statement of is learned friend was irrelevant, when the whole of what had fallen from him was completely so, and when he was proceeding to speak a second time, though he had no right to a reply.

Lord *Folkestone* insisted that his conduct was perfectly regular.

The *Speaker* remarked that the noble lord had a right to ask a question, but not to make a second speech.

A motion was then made, That the Estimates of the Store-keeper-General's department should be referred to the Committee of Supply. On the question being put,

Lord *Folkestone* said he had a right now to say what the right hon. gent. had refused to let him say before on the former question.

The *Speaker* requested the noble lord to sit down. It was not regular for a member so to rise. The House was to decide, whether or not its laws should be neglected.

Mr. *Whitbread* thought it was not the law of the House, it at least had been the practice, as he had instanced on one or two occasions. He gave it as his opinion, that the noble lord was entitled to such an indulgence from the practice of the House. He meant no disrespect to the Speaker, but left it to him and to the House to decide.

The *Speaker* replied, the rule of the House was one thing; its indulgence another. If it was their pleasure, they could then indulge the noble lord. In some instances such indulgence might be more inconvenient than at others.

The *Attorney General* would be very sorry the noble lord should be refused an opportunity of replying to any thing he had said.

Lord *Folkestone* did not intend to detain the House. The Attorney General had said, that he had charged him with having dropped the prosecution instituted against Mr. Collier, and had seemed to triumph over him on the occasion. The noble lord denied ever having preferred such a charge.

The *Attorney General* assured the noble lord, that if, on a former occasion, he (lord F.) had corrected the misapprehension on his part, he (the Attorney General) would not have brought forward the subject on the present occasion; but as he did not correct him when he mentioned the circumstance before, he had no idea that he had misunderstood the noble lord.

Report of the Bullion Committee.] Mr. *Horner* stated, that having understood that his hon. and learned friend (Mr. Abercromby) had given a notice in his absence of his intention on that day to fix the period and declare the mode in which he proposed to bring forward this discussion, he now rose to state what appeared to him to be the most expedient course of proceeding. In the first place, as to the mode, it had been his earlier intention to move for leave to bring in a bill for the repeal of the Bank Restriction Act. He found since, on consulting with some gentlemen, to whose experience of parliamentary business he was bound to pay the greatest deference, that the most advisable mode would be to submit some previous Resolutions, expressive of the general opinion of the House on the question at issue, and which Resolutions might lay a foundation for a subsequent and more conclusive series of measures. He apprehended that this would be done in the best manner in a committee of the whole House; and if the right hon. gent. opposite should entertain a similar opinion, he was desirous of making it immediately an order of the day, that the House should go into a committee for this purpose on Monday the 29th of April. If there should be any objection to this suggestion, he begged that he might now be considered as giving a general notice on the subject of his intention to bring on the discussion very soon after the recess. As to the consideration of time, he was extremely sorry that a delay of such duration had taken place; but he trusted that when the nature of the business in which parliament at its first assembling, had been engaged, was remembered; and the necessity he was under of attending his professional avocations in the country, he should stand acquitted of blame.—Indeed he could not help thinking that the interval which had thus been suffered to elapse would be far from proving productive of any injurious consequences to the discussion. It had been alledged, that the causes of the present condition of our paper currency were quite of a temporary nature, and it might therefore be well to allow the force of this argument to be fairly tried. He had hoped for an opportunity of introducing the question on some day before the recess, but as the present was certainly too late an hour, and there was no clear day before the holidays, he would propose, if the course he had suggested was approved, to move "That the Report of the Bullion Committee be referred to a Committee of the whole House on Monday the 29th of April."

Mr. *Rose* observed, that he felt no objection to the mode proposed by the hon. gent. considering, as he did, that the question ought to be discussed in a Committee; but, at the same time, he must remark, that in his opinion, there had been a great and unnecessary delay in bringing forward this motion. He knew that it would not have been regular in any member of the House to take the matter out of the hands of the hon. and learned member, who had acted as chairman of the Bullion Committee. Parliament had however, been sitting between nine and ten weeks, and this was the first intimation which the learned gent. had given of bringing that Report under consideration. He had, indeed, before given notice of a specific motion, but this he had thought proper to abandon. The Report had been published five months before the session of parliament, and two more had since passed, during all which time it had excited a deep interest, and had been the subject of very general discussion, and at length the hon. and learned gent. had named a distant day, which would likewise most probably be an inconvenient one, and one on which a full attendance could hardly be expected.

Mr. *Horner* trusted that he should be excused in rising a second time, when it was for the purpose of vindicating himself from imputations, the application of which, if just, he should greatly deplore. Was he really deserving of blame for not bringing on such a discussion at so late an hour as ten o'clock at night? (No, no, from the Treasury Bench!)—If such an accusation was disclaimed, was it meant to insinuate that he was not prepared for the consideration of the question on an earlier day, than that which he had named? He assured the right hon. gent. that he was perfectly ready to enter on the discussion either on Monday next, or even that night, if it should be deemed desirable by the House. As to the general charge of delay, how did it apply? The Report was published in August, and parliament assembled under peculiar circumstances some time before Christmas. When those circumstances were recollected he did not believe that any hon. member could candidly attribute to him any unnecessary or wilful procrastination. The right hon. gent. had indeed himself moved, at a considerably subsequent period, for the production of several voluminous accounts, which he considered necessary to the elucidation of the question. He (Mr. Horner) had, in consequence of those motions, required some time properly to understand the nature and bearings of those accounts, at least to divine what possible connection they had with the object in view. He had not had it in his power to be in town at an earlier period, and his wish in now naming the 29th of April, was that the order should be some time on the book, in order that the House should have full notice, and come properly prepared for the discussion. He appealed, therefore, to the candour of the House, and to its justice, he would not say to its indulgence, which at other times he might have had occasion to claim, whether the right hon. gentleman's censure was not unfounded. Did the right hon. gent. believe that any such material alteration had taken place, or that the question presented itself in so new a shape and so different from that which it had first assumed, as to inspire him with any additional confidence or sentiment of triumph? Did he indeed believe that recent circumstances had so changed the state of the question, as to induce on his part or on that of his hon. friends any desire to recede from their former opinions? Was the late proceeding of the Bank calculated to procure from him a surrender of his sentiments, or to persuade him to shrink from the discussion? The impatience of the right hon. gent. might easily be traced to an apprehension that other and similar proceedings were about to follow, which would perhaps be much facilitated by previously dispatching the Report of the Bullion Committee. It would have been convenient, too, perhaps, if that discussion could have been terminated prior to the late operation of the Bank. Satisfied he was that upon the event of that discussion depended the recurrence of similar proceedings, and the consequent increase of all the mischief and calamity involved in it.

The *Chancellor of the Exchequer* said, that he should not object to the course proposed by the hon. and learned gent. He thought that it might be useful that some interval should take place between the notice for the discussion, and the discussion itself. He had, however, experienced a very strong sentiment of regret at the length of the delay in bringing the

Report under parliamentary consideration. That Report had, he conceived, made a most erroneous and injurious impression in the public mind, and he should ever consider its publication as a great and serious evil. It had very strongly agitated the feelings of the country, and he was confident that when it was fully considered, it would not be found to be supported by facts.

Mr. *Tierney* observed, that his hon. friend had been most uncandidly and unjustly accused of wishing to delay the discussion. The right hon. gent. was certainly in more haste; he appeared to be very anxious for the argument, but to feel little care as to its being understood. He knew not whether this arose from his confidence in numbers, but the right hon. gent. who so strongly condemned the Report, should have objected to the appointment of the Committee, who had only obeyed the orders of the House in probing the matter to the bottom. The right hon. gent. seemed to think that when this House had got rid of the Report, no matter how, public opinion would be perfectly settled. He questioned much whether the mere authority of the House would have the effect of setting the question at rest. He must however, do the Chancellor of the Exchequer, the justice to say, that he had not supported his right hon. friend (Mr. Rose) in his attack on the hon. chairman of the Bullion Committee. But he was quite as sanguine in his anticipations of success, and appeared to be elated at the prospect of this tremendous discussion, and a glorious victory on the 29th of April. The right hon. gent. had certainly not been inactive in circulating his own opinions on the subject, or in his endeavours to counteract the impression which the Report of the Committee might have made. Before he sat down he could not avoid saying, that the House and the country were greatly indebted to his hon. and learned friend (Mr. Horner) for the unremitting attention he had paid to a subject which, in its importance to the interests of this country, exceeded any which his parliamentary experience brought to his recollection.

The motion was then agreed to.

Commercial Discounts of the Bank of England.] Mr. *Huskisson* observed, that if the principle assumed in the Report of the Bullion Committee, namely, that the depreciation of our currency must be tried by the relative value of gold and silver, was just, it was manifest that a depreciation had taken place, and this depreciation could only arise from an excess in the issues of the Bank. The directors had, however, denied the possibility of any such excess, because their advances were made only on good bills or sufficient mercantile securities. This was the opinion on which those gentlemen contended, that there could not be any excess in the circulation of their notes, so long as they adhered to this regulation. It was therefore necessary, he conceived, under these circumstances, that the House should be furnished with an account of the actual amount of the Discounts of the Bank, in order fairly to try the justness of their own principle. It was most important that the great principle by which the affairs of such a corporation as the Bank of England were conducted, should be thoroughly examined. If the history of all the Banks of discount of which he had heard, shewed that they had all occasionally carried their discounts too far, and that this was the great danger to which such establishments were exposed, even when under the obligation of paying in specie, it was surely justifiable in him to assume the possibility of the Bank of England having fallen into the same error, under the circumstances of diminished restraint and increased temptation. If this was possible, it became the House to ascertain whether this was or was not the case. He wished to avoid entering into the general question, and confine himself to the laying a ground for the production of the paper he should move for. It was well known that there had lately been what was termed overtrading, to a very great extent, and that among the variety of recent commercial speculations many had failed, and had thereby occasioned much individual calamity. It was generally believed, that many of those speculations originated in the great facilities of discount at the Bank. There had been numerous instances of men rising into sudden affluence and splendour, and falling back into bankruptcy and distress. This was a departure from the true character of commerce, and threatened alarming consequences. If there was any visible or supposed connection between this state of things and the conduct of the Bank, was not that a ground for inquiry? Sir Francis Baring, a great practical authority, had said, he had known clerks who, with salaries of 100*l.* per annum, were in the habits of obtaining discounts to the amount of five and even ten thousand pounds. He might quote the late lord Liverpool, in support of the evil to be derived from the creation of factitious capital; but he was aware this would be called the language of theorists, of men so very wild and speculative as to dream that the resumption of payments in cash at the Bank would be a measure of expedience. It might be urged, that the failure of the late commercial speculations was nothing more than a slight distemper. But did not such distempers tend to produce exhaustion in the body politic, and was not the drain of national capital to be deplored, withdrawn from useful employment, and lavished in prodigal and unsuccessful enterprise? The paper he should move for had been communicated to the Committee by the Governor of the Bank, under an injunction not to insert it in the Report, and it had since been published in one of the daily vehicles of intelligence. A person had seen it on the table of a director, and had surreptitiously communicated a copy. As it was, however, already before the public, he apprehended there would be the less difficulty in consenting to the object of his motion. It had been urged, that such a production would be prejudicial to the Bank. This he could not understand; neither could he believe that it was any interference with their private concerns. Could that be called a private concern which went to alter the relative value of every description of property in all its ramifications? If he were to propose to enquire into the principles which governed the Bank in their particular discounts, that would be an improper interference; but when he asked only for a scale of the proportion which the whole amount of discounts at one period bore to the whole amount at another, he did not see what fair objection could be made. Without this paper the House would, in his opinion, go after all to the discussion of the great question in the dark. The paper lately presented to the House from the Bank, by no means answered the purpose he had in view. That paper contained nothing more than an account of the sums advanced at different periods by the Bank to government on the application of the latter. But it was impossible for the House to discover by this what the whole amount of the government securities now in the hands of the Bank might be, or what the number of Exchequer Bills which might have been bought by the latter in the market. It was essential to know, not on how far they had gone in accommodati individuals, but what limits they had p scribed to themselves in accommodating g vernment. He must disclaim entertaini what he feared had been imputed to hi any spirit of hostility to the Bank, n could he think that any such spirit w evinced by a mere doubt of their infallib lity. The real enemies to the Bank wer he was convinced, those who should advi them to resist this motion, or who shou attempt to persuade them that power an compulsion could ever supply the place confidence. The real enemies of the Ban were those who taught them that the was nothing in the present state of pape currency to merit the interposition of tha House, or to require the vigilance of th legislature. The hon. gent. then, afte recapitulating his arguments, and referrin to the amount of individual suffering an extensive distress, created by a growin depreciation of the circulating medium moved, "That there be laid before thi House, a comparative scale of the Commercial Discounts of the Bank of England from the 1st of January 1790 to the first o January 1811; distinguishing each year.'

Mr. *Manning* begged to be understood in the course of what he should say upon this question, as having no instruction whatever from the Court of Bank Directors. It appeared to him, that the document moved for, would be attended with great inconvenience, and ought not to be granted, unless called for by the necessity of the case, which at present it was not. The only document that could be said to be necessary, was the amount of the Bank Notes issued, and that was laid before them every year since the passing of the bill. To give an account of the commercial discounts, would be an interference with the internal management of the Bank, and, therefore, should be resisted. He regretted that his hon. friend had thought proper to go so much at large into the general question, which he thought ought to be reserved for the proper occasion, when the House was called upon to discuss it distinctly. He allowed that the principle of cash payments should be resorted to when it was practicable, but this was not the period. His hon. friend had said that the Directors would consider such a proposition an offence; but he was sure that they would always be willing to return to the old system when it could be done with propriety. The motion was unnecessary.

is was the first instance in which any ch motion had been made, and there- e he should give it his negative.

Mr. *Horner* wished in a few words to te his reasons for agreeing in the motion the hon. gent. at the same time that he clined entering upon the general sub- t, which he confessed ought to be re- rved for the proper occasion, and not bated by piecemeal. He condemned e conduct of the person who had been ilty of such a breach of privilege as the blishing of the document in question; d thought the motion rested upon fair ounds. The hon. gent. had opposed it stating, that it was not necessary to ll for the precise amount of the discounts; it that was not what the motion called r: it did not demand the precise amount, it merely a comparative and propor- nate scale. The question then was, hether it was necessary or not? It ap- ared to him that the evidence which the irectors of the Bank had given proved e necessity of it. They had stated, that was impossible there should be any ex- ss, the issues being always regulated by e discounts. The only way to shew that eir doctrine was true, was to produce an count of the amount of their issues, and scale of their discounts: and see whether ey corresponded. This was rendered ill more necessary from what had been ated by the hon. mover, who affirmed, at though the amount of the discounts ad been reduced, that of the issues had ot. How would the Bank of England concile this with their doctrine? He ould certainly vote for the motion.

Mr. *Marryatt* said, that the Bank of Eng- nd having become of late a great state ngine, Parliament had a right to investi- ate its affairs, if necessary to the public ood. It has been said, that not a note ore was in circulation than the good of he public required; but he knew the ontrary from experience. He could state stances of several clerks who had failed ith notes in their hands, to the amount of undreds of thousands of pounds. It was, fact, impossible to know the state of ny man's affairs, from the facility of dis- ount in the Bank of England. Excess of aper, like excess of every thing else, ended to its depreciation. The *prima facie* vidence was against the Bank of England, nd it was for their honour to give the tatement required. The malady under hich this country laboured, with respect Bank circulation, was one that might be remedied, if taken in time, but, if neglected, it would be likely to end in a convulsion fatal both to public and private men.

Mr. *H. Thornton* approved of the limitation of discount by the Bank, and defended its conduct in many instances.

Mr. *A. Baring* thought that a loose paragraph in the papers possessed no authenticity but what was conferred on it by the hon. gentleman himself; and conceived that no ground was made out to justify the motion.

Mr. *W. Smith* said, that when the Income Tax was first brought in, it was thought that it would be an injury to commercial men, by obliging them to reveal their affairs; but this was not admitted as a sufficient argument to counterbalance the one of public advantage proposed by the measure, neither should the reluctance of the Bank Directors be available in the present case. He had listened attentively to the hon. gent. (Mr. Manning), but did not hear any positive evil mentioned as likely to accrue from the adoption of the motion: all that was said, was that evil would result; but what the evil would be, was left to their own imaginations. For his part, he did not think that any would result; and on that account, together with the reasons already urged by other gentlemen, he thought that the House had a right to call for the paper.

Mr. *Huskisson* in reply said, that he was still at a loss to know what objection could be made to the motion. He called for the document not to create, but to reconcile differences, by throwing additional light on the subject at issue. His hon. friend had complained that he anticipated the discussion upon the great question itself: all he did was, to say that there were different opinions, without stating any opinion himself upon any of the prints. As to the indiscretion with which he had been charged, in alluding to the printed document, it afforded an opportunity to the members of the Committee to disclaim the transaction for themselves, and he was sure they would be obliged to him for it. He had nothing more to add, but to express his conviction that the document was necessary, and with that declaration he should leave it to the House to determine whether they would grant it or not.

The House then divided, when there appeared Ayes 23; Noes 56.—Majority against the Motion 33.

HOUSE OF LORDS.

Monday, April 8.

Prince Regent's Message relating to Portugal.] Marquis *Wellesley* presented a Message from his royal highness the Prince Regent, representing the distresses which in a part of the inhabitants of Portugal were plunged by the savage barbarities exercised against them by the French army in its retreat, and expressing a desire that their lordships' House would concur in enabling him to afford the sufferers speedy and effectual relief.—[For the Message see the proceedings of the House of Commons.] The marquis then moved, that his royal highness's Message be taken into consideration to-morrow, and that the lords be summoned.—Ordered.

State of the King's Health.] Earl *Grosvenor* rose and asked, whether it was the intention of ministers to lay before the House a copy of the Report of her Majesty's council, respecting the state of the King's health?

The Earl of *Liverpool* observed, that the Report alluded to by the noble earl was to be found in the records of the Privy Council, and that if the noble earl was desirous to have it before the House, it was competent for him, or any noble lord, to move for its production.

The Earl of *Grosvenor* said, he should make a motion to that effect to-morrow.

Militia Enlistment Bill.] On the order of the day being read for the committal of the Militia Enlistment Bill,

The Earl of *Liverpool* briefly observed upon the nature of the Bill, the object of which was to derive a constant supply from the Militia for the regular army, without interfering with the ordinary recruiting service. The proportion of the Militia to be allowed annually to enlist amounted to about one-eighth, but it was by no means imperative on the government to take the whole amount of this proportion, but, in the exercise of a sound discretion, only such a part of it as might be necessary in aid of the ordinary recruiting to supply the waste in the army. The militia was to be reduced to its old number, to keep up which, enlistment was to be resorted to, including a proportion of boys from 14 to 17. He was anxious that the ballot should not be struck out of the statute-book, but at the same time it was desirable that it should be resorted to little as possible. The provision in form bills burdening the counties with the su port of the families of enlisted men, a substitutes, was in this Bill left out, it b ing deemed unreasonable, that where m were not soldiers by compulsion, as in th case of balloted men, the counties shou be burdened with the support of their f milies. The burden would also be lesse ed by the proposed measure of enlisting proportion of boys.

The Earl of *Rosslyn* agreed in the pr priety of the regulation as to the familie of enlisted men and substitutes, but wholl differed as to the expediency of the mod proposed by the Bill of supplying th wastes in the army. His lordship entere into a variety of details, for the purpose o shewing that the Bill, even in the view o those who proposed it, could not answer it intended purpose. The waste in the arm during the years 1808, 9, and 10, ha been at the rate of 21,000 men each year the utmost number to be produced by thi Bill, and by the intended bill of a simila nature for Ireland, was 10,000 men, whils the ordinary recruiting, it appeared by the returns of last year, did not produc more than 9,000 men. Thus, then, the whole number to be produced was 19,000 and the waste was 21,000; so that there would be an annual deficiency of 2,000 men. The operation of the Bill, likewise, would materially interfere with the ordinary recruiting. The average sum given for a substitute in the Militia was 50*l.* and how could it be expected, with these high bounties in the market, that the ordinary recruiting could be effective, with a bounty of 16 guineas? The noble earl warmly panegyrised Mr. Windham's plan, which increased the advantages of the service, whilst it left the market for recruiting without competition. By this plan, in the first half year of its operation, 11,000 men were produced, and there was every reason to believe, that had it been allowed a longer existence, it would have produced recruits in a much larger proportion.

Viscount *Sidmouth* acknowledged he only gave his support to the present measure upon a belief of its indispensible necessity. All were agreed as to the necessity of keeping up our army, and he saw no other effective means of doing so, except by the present measure. He agreed in the wisdom of Mr. Windham's plan; but denied that it had produced the numbers stated by his noble friend, there having been, at the time alluded to, an intimation given to render effective the incomplete second battalions; in consequence of which, there were 1,200 recruiting parties out in the country, instead of 500, and by which a much larger number of men than usual had been produced. He agreed, however, that if Mr. Windham's plan had been allowed to operate, there was every probability that it would have operated very favourably to the recruiting service, and decidedly objected to the mode now adopted, of giving an option of limited service, or service for life, conceiving that those mixed terms of service had an unfavourable effect upon the army. Under existing circumstances, he conceived the present to be the only measure that could be adopted, nor could he consent to estimate the waste in the army at 21,000 men. In 1808 there was a great loss of men in the north of Spain, and in 1809 in the Walcheren expedition, the effects of which continued to operate in 1810, all contributing to increase the waste in the army; but there was no reason to expect the operation of similar circumstances again; and therefore 19,000 men, the estimated produce of this measure, combined with the ordinary recruiting, might be considered fully sufficient, or more than sufficient, to supply the annual waste in the army.

Lord *Holland* could not but regret to see the Militia so broken in upon as it must be by the present Bill; but his chief objection was to the clause which went to convert it from a temporary into a permanent measure. The noble lord took occasion highly to extol Mr. Windham's plan, which had exceeded in its operation the most sanguine expectation of his friends: but the present measure would totally destroy all the benefits which that salutary plan was calculated to produce. By making it perpetual, instead of temporary, it was proceeding upon principles diametrically opposite to those which he had ever maintained respecting matters of that nature; and so far, therefore, it must have his most decided negative.

The Earl of *Westmoreland* defended the Bill, and observed, that the ballot was not to operate till the year 1813, and that, therefore, the competition in the market between the bounty to substitutes, and the bounty in ordinary recruiting, could, in the mean time, exist.

The Earl of *Hardwicke* observed, with respect to leaving out the provision for the families of enlisted men and substitutes, that it would not practically make much difference, as their families must still be provided for as paupers. He thought it would be better to enact, that provision should be made for the families of those who had not received a higher bounty than twelve guineas.

The House then went into the committee on the Bill. The Report was received, and the Bill ordered to be read a third time to-morrow.

Viscount *Sidmouth* took that opportunity of stating, that the average waste of the army in time of peace was between 12,000 and 13,000, inclusive of the foreign service. The average waste during times of active warfare was 23,000, so that the 10,000 men which was to be supplied from the militias of England, Scotland, and Ireland, would cover the difference of the waste of the army in time of peace and war.

HOUSE OF COMMONS.

Monday, April 8.

Grand Southern Canal Bill.] Mr. Sumner moved the order of the day for the second reading of the Grand Southern Canal Bill.

Lord *George Cavendish* felt it his duty to oppose the Bill, on the ground of its being the proposition of a certain number of speculating individuals, who were totally unconnected with the great interests of the county; and because it was in direct contradiction to the wishes, the opinions, and the interests of the principal landholders. He hoped the House would not countenance this Bill, which was part of a system now very much acted on, of pushing forward measures contrary to the sense of the great majority of the persons chiefly interested: he therefore would propose as an Amendment, "That this Bill be read a second time this day six months."

Mr. *Sumner* denied that the Bill was brought forward by speculators, and said that it had the sanction of such great names as the duke of Norfolk and lord Egremont. He maintained that the Canal would be of eminent advantage in conveying a principal part of the lading of the East and West India outward-bound fleets; and hoped that the Bill would be suffered to go into a Committee, in order that its merits might be fairly considered.

Sir *Charles Burrell* contended that many advantages would result from the formation of this Canal. There were many valuable stone quarries along the projected line; there were large tracts of waste lands, which would be benefited; and the junction of the river Ouse canal would also be attended with material advantage. Besides, the quick conveyance of naval stores to Portsmouth would be effected by it. On all these grounds he would support the Bill.

Mr. *Calcraft* did not agree in opinion with the hon. baronet, that any of those advantages would result from the proposed canal, the chief part of which, according to his statement, would affect the Sussex part of the line, for which a Bill should be brought in next year, as they were obliged to vary the notices; so that the only part which could proceed, if this Bill was carried through, would be the offensive part, namely, that part which was to run through the county of Kent. It was farcical to talk of the communication of Northfleet, and Woolwich, and Chatham, with Portsmouth, by means of this canal; for a canal from Croydon would answer all those purposes without cutting up 1,400 acres of land. The fact was, that not one of the great landed proprietors in Kent were favourable to the measure; and if the county members were not absent from indisposition, there was no doubt of their opposing it in their places. Neither were any of the principal towns of Sussex likely to be benefited by it, as it was to run parallel to the sea. The great objection was, that there was no landholder in favour of it; and though the duke of Norfolk and lord Egremont had compromised with the projectors of this Canal, they had been originally adverse to it, and their names were only made use of now to give a colour to the business, and to assist in cramming it down the throats of those who were adverse to it. He hoped, therefore, that the House would set its face against the system of which this was a part.

Mr. *Hurst* opposed the Bill, and said that he did not believe that there were two landholders in the county of Kent favourable to it. He knew no recompense which could be made for the injuries which would be done to extensive and beautiful plantations which this Canal would destroy. There were other objections arising from the variety of projectors, and neglect of the forms of the House, which induced him to vote for the Amendment.

The House then divided, when ther appeared

For the Amendment............ 100
Against it 17
Majority .... —8

The Bill was consequently lost.

PRINCE REGENT'S MESSAGE RELATIN TO PORTUGAL.] The Chancellor of th Exchequer presented the following Message from the Prince Regent:

"GEORGE, *P. R.*

"The Prince Regent, in the name and on behalf of his Majesty, having taken into his serious consideration the accounts which he has received of the severe distresses to which the inhabitants of a part of the kingdom of Portugal have been exposed in their persons and property in consequence of the invasion of that country, and especially from the wanton and savage barbarity exercised by the French armies in their recent retreat, which cannot fail to affect the hearts of all persons who have any sense of religion or humanity, desires to be enabled by the House of Commons to afford to the suffering subjects of his Majesty's good and faithful ally such speedy and effectual relief as may be suitable to this interesting and afflicting occasion.—G. *P. R.*"

Ordered to be referred to the Committee of Supply.

STATE OF THE KING'S HEALTH.] Mr. *Whitbread* rose to ask the Chancellor of the Exchequer, whether it was his intention to make any communication to the House, on the subject of his Majesty's health? By the Regency Act, the Queen's Council were required to make a Report to the President of the Privy Council, in the first week of April, as to the state of his Majesty's health. This Report must now have been made; and with a view to the regulation of his own conduct, he wished to know whether it was intended to lay this communication before the House.

The *Chancellor of the Exchequer* replied, that he had no objection to any motion to that effect being made by the hon. gentleman.

Mr. *Whitbread* then moved "That an humble Address be presented to his royal highness the Prince Regent, praying that he would be graciously pleased to order, that there be laid before the House a copy of the Communication made by her

Majesty's Council to the President of the Privy Council, respecting the state of his Majesty's health."

The *Chancellor of the Exchequer* said, that though it was not his intention to oppose the motion made by the hon. gent. yet he could not help thinking that it would have been more decent to have given some short time for previous consideration on the subject. However, he should not now make any opposition, for fear of any misconstruction of his motives, and because he did not apprehend any inconvenience would arise from this communication being made a day earlier than it might otherwise have been.

Mr. *Whitbread* replied, that when the right hon. gent. made his new arrangement relative to Notices and Orders of the Day, several members had distinctly stated to him that they would not feel themselves bound at all times to give a previous notice. As the right hon. gent. himself did not object, and as this motion would not interfere with any particular business expected to be the subject of discussion this evening, he thought he could not have chosen a fairer occasion to assert his privilege. But he wished it to be clearly understood, that without disrespect to the House or any individual, he considered himself at liberty to move without notice on any day, and on any occasion whatever.

The motion was then agreed to.

SCARCITY OF SMALL CHANGE.] On the motion for the House to resolve itself into a Committee of Supply,

Lord *Folkestone* rose, to call the attention of the House to a subject in which the country was at present very much interested. He did so on this occasion for two reasons. In the first place, he considered it as a great and important privilege of a member of Parliament, at the time the Supplies were voted, to enter upon and discuss any measure or circumstance connected with the state of the country. It was of the greatest consequence that this privilege, founded in practice and no less in the fundamental principles of the constitution, should be frequently exercised, and never permitted to fall into disuse. It was the more necessary now, since the business of the House had been cramped by the new regulation with regard to Notices. The importance of the subject itself, to which he alluded, was another reason for taking the first opportunity to call the attention of the House to it. Every one knew how difficult it was at present to procure small specie for the common transactions of life. Not only bankers and tradesmen, but every gentleman must have experienced this difficulty. It was not only felt with the utmost severity in the metropolis, but also in the country. He had lately received a letter from a person in the vicinity of the place where he lived, who went to a fair in the neighbourhood to settle some small bills. He had occasion to pass through a town in which there was a bank, but was not able to get change for a one pound note. He went all over the fair to get change, but without success; and at last he was enabled to settle only a small bill of twelve shillings and six-pence, with one who gave him the difference in silver, stating that this was all the change he had. The people at the fair found it almost impossible to sell or purchase goods, owing to the want of silver; and it was not unusual to see three, four, or five persons clubbing together to buy some things for which they had occasion, in order to bring up the amount to a one pound note. He could not but regard this want of silver as a severe calamity; and he mentioned it with a view to draw the attention of gentlemen to it, that they might turn it in their minds, and endeavour to devise a remedy. This was the more imperiously demanded, as the evil was not upon the decrease, but likely to advance in a rapid proportion.

Mr. *G. Vansittart* said, he had received a letter from the country of a similar nature with that to which the noble lord had adverted. The Speaker then left the chair.

SIERRA LEONE.] Mr. *Wharton*, after stating the circumstances which had occasioned the delay in the departure of the Chief Justice of Sierra Leone (Mr. Thorpe), namely the difficulty which existed in the drawing out of the charter; and, subsequently, the impossibility of procuring an opportunity to go out, none occurring till within the last three weeks, moved, "That 14,495*l.* 11*s.* 6*d.* be granted to his Majesty, for defraying the expences of the civil establishment of Sierra Leone, during the year 1811."

Mr. *Dent* observed, that until the charter was signed, the appointment of the Chief Justice could not be considered as legal; and that, therefore, he was not entitled to his salary until that period.

Mr. *Wharton* explained. Mr. Thorpe had been appointed in 1808, when it was imagined that the charter would be executed in a very short time. In the first place, however, there was found considerable difficulty in preparing the bill of instructions. This occupied three months. It was then submitted to the Attorney General, afterwards to Lord Ellenborough, and lastly to the Lord Chancellor, by whom several doubts were entertained with respect to different parts of the instrument; and which doubts occasioned an additional delay of near a twelvemonth. During the whole of this period Mr. Thorpe was entirely precluded from taking any other situation; liable as he was to be called on at a day's notice to go out to Sierra Leone. Nothing could be more just, therefore, than that he should enjoy the same salary as if he had been in the actual execution of his office.

Mr. *Abercromby* reprobated the delay which had taken place. If, in the interval, justice had been ill administered in Sierra Leone, the delay was criminal; if it had been well administered, the appointment of a Chief Justice was unnecessary. A more suspicious case never, in his opinion, came before parliament: and as an hon. friend below him (Mr. Dent) had given notice for an inquiry into the situation of the colony, he trusted that the Committee would not vote so large a sum as that required, until the inquiry had taken place.

Lord *Castlereagh* said, that whatever might be thought of the propriety of an establishment like Sierra Leone, as it had for its object no less than the moral improvement of the coast of Africa, it became necessary to put it on as liberal a footing as the other colonies of his Majesty. With respect to the particular appointment now complained of, he observed that 1,500*l.* was considerably under the sums paid to the heads of Admiralty Jurisdictions in any other situation, which were 2,000*l.* a year at least. The salary in this case was not only for a judge of the prize court, but for Chief Justice. It was found extremely difficult to procure a person sufficiently qualified to accept the situation. An hon. and learned gent. (Mr. Stephen) who had been applied to could not procure any such person; and government found out at last the gentleman appointed in a judicial situation in Upper Canada. Whe the appointment took place no delay in making out the charter was foreseen; bu it was proper to remark, that unless th business lay in a very narrow compass indeed, when it came before the Lord Chancellor it might not be easy for him in th midst of the multiplied business before him to give it a more early determination As to the amount of the salary, the difficulty of procuring a person for the situation proved it was not too large.

Sir *J. C. Hippesley* spoke of the insalubrity of the climate of Sierra Leone which he knew from his own experience. Of 1,500 persons who were originally sent from this country to that colony, only 15 survived in the year 1788; and he himself should have fallen a victim to the climate had he not taken a sudden departure.

Mr. *Peel* said, it did not follow that because the business of the Chief Justice was carried on in his absence, it was therefore unnecessary. With regard to the individual appointed, it would be very hard first to engage him and then to deduct his salary all the time he was detained in England. As to the magnitude of the sum, it would certainly be a great moral as well as a great political evil, if he who administered justice between man and man, were not sufficiently independent to be above necessity.

Mr. *Whitbread* was sorry to think that the member for Yorkshire (Mr. Wilberforce) and the rest of those who had atchieved so glorious a victory as the Abolition of the Slave Trade, were unable to prevent this establishment from being a job, and from being a constant reproach to the country. In consequence of impositions, it was found necessary to transfer the management of the colony to government. Yet the same impositions seem to be continued. The argument he had heard from the hon. gent. who spoke last was like all the arguments which, during the time he had been in parliament, he had constantly heard from ministers, in which the interest of the public was nothing, and the interest of the individual every thing. Such an argument however, did not give him satisfaction. It appeared, that Mr. Thorpe did not seem inclined to meet the climate of Sierra Leone. Where was the necessity of removing this gentleman from Canada before every thing was ready for his departure to Sierra Leone? A great deal had been said of judicial splendour, dignity, and so forth; but let the House ok at the rest of the colonies, where in any of them the Chief Justice had not ore than 500*l.* In Canada the salary as 1,100*l.* why then 1,500*l.* for Sierra eone ? There seemed many other ex- avagant and unnecessary appointments, salaries of 150*l.* and 100*l.* a year. He as informed, that there were many per- ns in the colony, of characters by no eans favourable. He thought it, there- re, advisable that an inquiry should be ade into the manner in which the co- ny had been conducted ; and till such quiry, he thought it would be proper postpone the present grant.

The *Chancellor of the Exchequer* declared, at he should be very happy to have this bject inquired into, and settled in such a anner as to prevent the annual discus- ons that took place upon it. Whatever ight be the result of that inquiry, how- ver, he could not but recommend to the ommittee to adopt the present vote ; for herwise half the year must elapse before e communication of any diminution in e grant could reach the colony, to which eriod, and indeed until the return to this untry of those persons whom the dimi- ution would cause to return, the salaries the different officers, &c. must, in jus- ce be paid at the old rate. Of the good ith, as well as of the policy of maintain- g the colony, he had no doubt. Many ersons, Maroons and others, had taken efuge in the colony, and the expence of emoving them, in the event of abolishing e colony, would be nearly equal to that f the colony itself. The necessity of ap- ointing to the vice-admiralty courts, per- ons by whom justice would be adminis- ered, was obvious; and a small salary as not a sufficient inducement to any espectable individual to accept a situation f that nature. Whatever might be the esult of the inquiry of his hon. friend, he aw no reason for postponing the present rant.

Mr. *Dent* observed, in explanation, that ne of the objects which he had in view n the intended inquiry was to give pro- ection to the Maroons in their present ituation. The report at present was, that hey were treated like slaves.

Sir *J. Newport* compared the salary of he chief justice of Sierra Leone with that f the chief justice of other colonies, in rder to prove that the sum allowed was y much too large. He thought the grant hould not be made until the investigation ad taken place.

Mr. *Stephen* trusted that when the subject came to be discussed, the hon. gentlemen opposite would bring proofs of of those assertions, which, thrown out as they now were (unfairly, in his opinion), might make an unfavourable impression on the public mind. Of all the preposterous suppositions which he had ever heard, that of the Nova Scotia blacks, who formed the large mass of the population of Nova Scotia, being slaves, was the most extraordinary. There never was less cause for imputing partiality to government than in the appointment of Mr. Thorpe to the Chief Justiceship of Sierra Leone; an appointment which was the single exception to the recommendation of the benevolent individuals who were the proprietors of that settlement before its transfer to government. The abolition of the Slave Trade had rendered it indispensable to establish a prize court on the coast of Africa; and Sierra Leone was of course selected as the most proper place. For the purpose of economy it had been determined to combine the offices of chief justice and judge of the prize court. The noble lord (Castlereagh) had requested him to find out, if possible, some person who was qualified for those situations, and who would accept them. It might be presumed that he had not been remiss in the inquiry. But the nature of the climate, the state of civilization, and other circumstances, formed such powerful objections, that among all those individuals in the profession, who had given an earnest of talent, he could not find one who was disposed to go to Sierra Leone. Nor was this surprising, when the difficulty of filling up the appointments of judges of the prize courts of the West Indies was considered, although those situations had salaries of 2,000*l.* a-year attached to them, although those who held them had the liberty of adding 2,000*l.* more by fees, and although there was an extensive and civilized society. It was not until after the disappointment he had experienced in his search, that Mr. Thorpe was appointed. He left it therefore to the Committee to determine how far government could justly be charged with any undue motives in this appointment. Adverting to the greater question, respecting the colony itself, he trusted that a settlement like Sierra Leone, which formed the nucleus of African civilization, would never be abandoned; he trusted that the country would be redeemed from the dishonourable imputation of casting off Africa, because it no longer indulged in the abominable traffic of human beings.

Mr. *Fuller* thought that the fatality of the climate was a strong reason for entering into an inquiry as to the expediency of maintaining the settlement.

Mr. *Wilberforce* expressed the highest satisfaction at finding that the subject was likely to undergo a thorough investigation. He wished the public to be satisfied that justice, humanity, and every other liberal consideration, conspired to render it necessary to apply a considerable sum, for many years to come, to the purposes of that colony. He denied that there had been any bad management in the early period of the existence of the Sierra Leone Company. The directors of the Company had every year shewn their accounts to their constituents, who expressed themselves perfectly satisfied, and from whom they always parted in good humour. The formation of colonies had always been found a matter of great difficulty, although frequently undertaken by men of the greatest talents. That of Sierra Lione had already been of the greatest benefit to Africa. If it was of service to Africa to abolish the Slave Trade, the establishment of the colony of Sierra Leone had materially contributed to that service, by affording an opportunity of observing more accurately the transactions connected with it; and of viewing whole districts depopulated by the civil wars stirred up by that shameful traffic. He repeated his joy that the affairs of the colony were to be investigated by a Committee of that House. They would see the necessity of doing something to compensate in some degree to Africa the evils which we had formerly occasioned her. He well knew, that a great and lamented friend of his (Mr. Pitt) had cherished intentions of the most beneficent nature towards Africa, and that it had been in his contemplation, whenever the Slave Trade should be abolished, to propose to parliament the application of a considerable sum of money to the purpose of civilizing that unhappy quarter of the globe.

Mr. *H. Thornton* would vote for the grant before the investigation, because he did not wish to inspire in the colony a distrust of the firmness of its establishment. He admitted that the climate was unhealthy, but not to the extent which had been represented. Certain it was, that the number of the Maroons and Nova Scotia blacks regularly increased. I confessed, that it had sometimes occurr to him that the appointment of a ch justice was scarcely necessary; but was aware that this was a question which legal men were much more comp tent to determine than himself.

Mr. *Abercromby* begged to repeat h former question, whether the chief justic of the other colonies were resident i them ?

Mr. *Wharton* said he could not sta distinctly whether all were, or not; b he was positive, that the greater numbe were, and he believed they all were.

Mr. *Peel* said, that all were resident bu the one of Dominica.

The Resolution was then agreed to.

SURPLUS OF CONSOLIDATED FUND—OLD NAVAL STORES.] The House havin resolved into a Committee of Ways an Means,

The *Chancellor of the Exchequer* moved "1. That towards making good the Supply granted to his Majesty, there be issue and applied the sum of 996,927*l.* 18*s.* 4½*d* being the Surplus of the Consolidated Fund remaining in the Exchequer for the disposition of parliament, upon the 5th day of April 1811. 2. That towards making good the supply granted to his Majesty for Naval Services, there be applied the sum of 420,364*l.*, arisen from the sale of old Naval and Victualling Stores." There was in the last year a surplus of 7,000,000*l.* and odd thousand pounds, but it was a surplus produced by the concurrence of many circumstances, which would not be reckoned on in other years, a surplus of 600,000*l.* having taken place on the taxes alone. In consequence of this, he had been induced at that period to recommend the application of a certain portion to the expences of the current year; and he had even the satisfaction to state to the House, that the actual produce exceeded the estimate by 1,353,000*l.* He felt the greater satisfaction in stating this, as it afforded a practical refutation of reports which had gone abroad, calculated to give a gloomy view of the trade and finances of the country. The House would no doubt rejoice in this proof, if, indeed, any proof were wanted, that there was such a vigour in the trade, and such a solidity and stamina in the revenue, that it was not a little, nor even a great thing that would be sufficient to destroy them. The House had now before it a view of the

isequences of what he had recom-
nded last year—that of meeting the ex-
ices without recurring to any new tax.
vould also be seen by reference to the pro-
cé for the last three years, that so far from
clining, the country was evidently in a
te of great prosperity. In 1809, the
oduce was 36,446,000*l.*; that of last
ar, upon which, as he had already
ted, a considerable increase had oc-
rred that could not be calculated upon
future, was 41,441,474*l.* and that of the
esent year was 41,300,000*l.* so that the
ference between the present and the
mer year, was by no means so great as
y had reason to expect, on considering
e peculiar circumstances by which the
mer year was favoured. After such a
tement, the House would see there was
reason for indulging that despondency
ich some people were inclined to enter-
n.

Mr. *Bankes* congratulated the House on
e statement of his right hon. friend, and
e proofs then before them of the pros-
rous condition of the finances; but he
gged leave to observe, and to press upon
eir consideration, that though our re-
urces were large and prosperous, it was
cessary to exercise the greatest economy
their application. He wished that the
rresponding sums of this last year's pro-
ice should be laid before the House, and
as desirous to know whether the fines
r the militia were included, which he
nderstood amounted to two or three mil-
ons.

The *Chancellor of the Exchequer* read the
rresponding sums, but said that he had
conception that the fines for the mi-
tia were so great as his hon. friend had
epresented. With respect to the ques-
on, Whether those fines were included in
e present statement? he observes that
ch as were paid into the Exchequer were
ertainly comprehended in it, but he could
ot say whether those which were paid
to the Bank were considered part of the
onsolidated fund.

Mr. *Frankland* thought the amount of
e fines could not be so great as had
een stated.

Mr. *H Thornton* recommended a strict
dherence to economy, and expressed his
pprehension that the increase was not
eally so great as it appeared to be.

The *Chancellor of the Exchequer* said,
at economy should be undoubtedly a
aramount object with that House; but it
as also bound to provide for the necessary expences of the government, and the former object should never be pursued so far as to exclude the latter from their consideration. The excess of the Consolidated Fund, which had exceeded the estimate of the year in which the taxes were paid out of it, afforded a ground for representing the increasing prosperity of the country. He remembered that in the former instance, when he recommended that application of the fund, he was charged with having taken a too sanguine view of the subject; but experience had proved that that view was not sanguine, and the increase already mentioned had truly justified his predictions. The produce of the Post Office itself, in the year ending 1810, exceeded that of the former year by, he believed, 100,000*l.*; and in the last year the excess was still greater. The Excise was also considerably increased, and there was every prospect of a flourishing revenue.

The Resolutions were then agreed to.

DWELLING HOUSE ROBBERY BILL.] Sir S. Romilly moved the third reading of this Bill.

Mr. Secretary *Ryder* said, that though he agreed in the general principles stated by his hon. and learned friend, he differed from him in the application of them to the present subject. The certainty of punishment should be observed, but that certainty would not be facilitated by the Bill. This was not a question of practical, but of speculative humanity, for it did not profess to make the practice conformable to the theory, but the theory to the practice. It was urged, that prosecutions would be increased by lessening the punishment: but that he denied, as far as his experience went; and if prosecutors, juries, judges, and witnesses were affected by such a circumstance, he did not see why it should not be supposed to have an influence upon offenders themselves. The terror of the law operated in the best way that law could operate, namely, to prevent the commission of crimes. It had been said, that one object of the Bill was to diminish the discretion of judges. He was sure, that no greater boon could be granted to them than such a step, if it could be done without materially injuring the country at large; but, in his opinion, the loss or limitation of their discretion, would be attended with the worst consequences. He agreed, however, in one thing with his hon. and learned friend.

Sentence, he thought, ought not to be passed upon those who were not intended to be executed; and he was also inclined to think that the value for which an offender could be punished capitally, might be raised in proportion to the alteration of the value of money at the present day.

Mr. *Wilberforce* could not agree that the Bill would have no practical effect. The law, as it stood at present, was calculated to introduce a sort of gambling into vice, in consequence of the uncertainty of punishment. He defended his hon. and learned friend from the imputation of intending to change the laws of his country; and maintained that his only object was to give the country a practical code. It had been said that laws should be severe; but when they were too much so the sympathies of the people were driven to the side of the criminal, and they were sent away rather shocked than reformed.

Sir *J. Newport* thought it was a great practical evil that juries should be exposed to perjury. He instanced several cases in which verdicts had been given contrary to evidence, for the purpose of avoiding the capital parts of the charges, and hoped his hon. and learned friend would persevere in his intention.

Mr. *Lockhart* thought that the legislators of the present day should give some credit to the wisdom of our ancestors, who had made and acted upon the law as it now stood. He doubted whether crimes were numerically increased, but he was certain their depth of dye was not; and this he attributed to the calculations which culprits made between the crimes which were punished capitally, and those which were not. He objected to venturing on an unknown sea, and repealing a law which had the sanction of antiquity. If he did agree to it, it should be only as an experiment for one or two years, but even that he feared would have a tendency to unsettle the minds of the people.

Mr. *Whitbread* said he had not hitherto taken any part in these discussions, because he thought other gentlemen more competent to deliver their opinions than he could be; but he could not help now offering a few words to the consideration of the House. He was astonished at the array of lawyers that always opposed his hon. and learned friend; and he was no less astonished at hearing his hon. and learned friend's opinions termed theoretical; and he was as much astonished at the ingenious speech of his hon. friend (Mr. Frankland), who certainly said all that could be said against the Bill; and though he did not convince, at least succeeded in dazzling in some parts, and puzzling in others. Did the lawyers recollect, that his hon. and learned friend, in following up his great and benevolent plan had pursued the highest law opinions of antiquity, many of whom concurred in the want of an amendment in our criminal laws? As for what had been said of reconciling theory to practice, it would indeed be a most beneficial thing could they succeed in reconciling the theory and practice of the law. It was imputed to his hon. and learned friend that he had taken up the opinion of Mr. Paley. This was not the case; for on the contrary he had combated successfully the doctrine laid down by that eminent writer on this subject. But his opinions proceeded from the best of sources, and from the wisdom of his own excellent mind, matured by experience, and his attendance on the criminal courts. He was certain, whatever might be the fate of this motion, to-night, that these ameliorations would sooner or later be adopted as the law of the land. As for the doctrine of the hon. and learned gent. opposite, that the perjury of witnesses and juries was humane, and improved the general morals, he could not agree with him; and noticed two cases in which such perjuries occurred; the one, where a person who stole six 10*l.* notes was found guilty of stealing to the amount of 39*s.*; and the other, where the criminal was acquitted for stealing money, on the supposition that it might all be bad! Gentlemen on the other side went always on the presumption that these laws were enacted wisely, and on due consideration; but did they not recollect how little capital punishments were thought of before this age of civilization? If a member of parliament was wronged in any way, it was only to move to have the sledge-hammer of the law laid upon the offence; and he dared say they remembered the story of the Bill, making it a capital felony in a Jew to look down an area; which was amended by the introduction of the words, "or other," after the word Jew, so that any Jew, or other person, might be hanged for that offence. The hon. and learned gentlemen opposite seemed afraid lest any amelioration of the law, even for a few years, should unsettle the minds of criminals, and that they could not return with a good grace to their capital punishments. This reminded him of Pig and Kill Pig, about the beginning of the American war—" Would you be cut and killed a little."—After noticing some other arguments, the hon. gentleman concluded by aying, that the public opinion on the ubject of this Bill might be seen from the ise of his hon. and learned friend, even from the high eminence on which he formerly stood, in public estimation. His finding time from his severe avocations to pursue this excellent and beneficent plan, after all the political feuds of this day were forgotten, would transmit his name with honour to posterity as the benefactor of his country. Some men, by their virtuous exertions, acquired fame after their death, but of bis hon. and learned friend his country might in his life time say—" Presenti tibi largimur honores."

The *Attorney General* thought it very natural that many lawyers should come forward upon a question materially connected with their profession. With respect to the Bill itself, he believed it would have a tendency to increase and not to lessen crimes; for it would remove the terror of death which operated most strongly upon the most hardened offenders. They would always make a distinction between the possibility of escaping death and the certainty that they could not be punished by it. As to passing sentence on those not intended to be executed, an hon. and learned friend of his had described on a former night its effect on a young woman; from whence he (the Attorney General) would infer that it might operate in many cases to deter the individuals from future offences. As to the objection of the unwillingness of prosecutors to come forward, it applied equally to the whole of the criminal law. He thought the opinions of the Recorder and Common Serjeant entitled to considerable weight and was somewhat surprised that his hon. and learned friend did not endeavour to procure the opinion of the Judges on a matter of such importance.

Mr. *Marryatt* expressed himself strongly in favour of the measure. The advantage of the milder system of criminal law was evident from the effect which it had produced in a neighbouring country. In the year 1802 he was in Amsterdam, and he learned, that for many years but two instances of capital punishment had occurred there. Imprisonment and hard labour were substituted for capital punishment; and it appeared that the most beneficial consequences had resulted from it. The House had in a recent instance a practical proof of the bad consequences arising from the law as it at present stood. He alluded to the case of the unfortunate man lately executed at Gloucester, in consequence of the reprieve having been mis-directed. This could not have occurred, if the contemplated alteration in the law had taken place. The opinions of that great moralist Dr. Johnson, as well as of other eminent men, were in favour of the principle of these Bills, which he would most heartily support.

Mr. *Wynn* supported the Bill. He expressed himself decidedly hostile to the attaching the punishment of death to offences of a comparatively trifling nature. Much practical ill had arisen from the criminal law, as at present constituted, by occasioning those numerous instances of perjury which every gentleman must be aware of.

The House divided, when there appeared: For the 3d reading, 50; Against it, 39. Majority 11.

The Navigable River Robbery Bill, the Privately Stealing Bill, and the English and Irish Bleaching Ground Robbery Bill, were then read a third time, and also passed.

HOUSE OF LORDS.

Tuesday, April 9.

MILITIA ENLISTMENT BILL.] On the third reading of this Bill,

The Marquis of *Lansdowne* strongly objected to the principle of the ballot, which on being resorted to under this Bill in the year 1813, would fall on a population diminished by there being taken from it 240,000 volunteers and local militia then in service, and the same number whose term of service would then have expired; it would thus operate with increased pressure upon a population diminished by 480,000, and would become a grievous burden upon this remaining circumscribed portion of the people. He objected to this the more strongly, because the object of the measure was to supply the regular army, and he thought it unjust, that particular individuals should be heavily taxed for this purpose, instead of the funds for it being supplied by the state. He regretted that Mr. Windham's plan, productive in men as it proved to be in the first and only year of its operation, should not have been persevered in, but thought it would be better to dismiss the plan altogether, than to mix it with unlimited service, which he thought operated most unfavourably.

The Earl of *Liverpool* contended, with reference to Mr. Windham's plan, that there was no experience of its success, as the number of men produced in the year referred to, was to be attributed to the measure for filling up the second battalions alluded to last night by his noble friend (viscount Sidmouth). With respect to the Bill, he contended, that it was not the fair way of putting the argument that the ballot was to be resorted to for the purpose of supplying the regular army, it being only to operate for the purpose of supplying men for home defence, in the room of those who had voluntarily entered the regular army.

The Marquis of *Lansdowne* contended, that the success of Mr. Windham's plan was progressive, it having produced in the first quarter at the rate of 10,000 men per annum; on the second quarter at the rate of 13,000; the third, at the rate of 21,600, and the fourth, at the rate of 24,000.

Earl *Grosvenor* was of opinion, that if Mr. Windham's plan had been persevered in, it would have prevented the necessity of having recourse to measures like the present.

The Marquis of *Lansdowne* moved to insert words for the purpose of suspending the operation of the ballot, after the passing of the Act, observing, that the ballot was now going on to complete the militia to 92,000 men, its present number being 84,000, which were negatived.

The Earl of *Hardwicke* moved to leave out the clause imposing penalties in the parishes for not raising the men within the time allotted. The motion was opposed by the earl of Liverpool, and the House divided on the question that the clause stand part of the Bill.

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The House again divided on a motion of the Marquis of Lansdowne, for inserting words in another part of the Bill for suspending the operation of the ballot.

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Majority	—13

The Bill was then passed.

RELIEF TO THE INHABITANTS OF PORTUGAL.] The order of the day having been read for taking into consideration the Prince Regent's message, and the said message having been read by the clerk at the table.

Marquis *Wellesley* rose, he said, for the purpose of moving an humble address to his royal highness the Prince Regent, in answer to his most gracious communication made yesterday to their lordships, concerning the propriety of affording aid to the people of Portugal. The noble marquis called to the consideration of the House the effects that had been produced in Portugal by the spirit of the people and the troops that had been raised and taken into British pay. A sentiment had been thereby created of admiration of the magnanimity, the perseverance, the zealous and ardent constancy, which the exertions of our ancient and faithful ally had, with British assistance, so strikingly manifested. He called to mind the great and costly sacrifices they had made: first in the preparations for an effectual resistance to their invaders; and secondly, in bearing up with fortitude against what had since taken place, and, in the endurance of their spirit under the wanton cruelty and savage barbarity which had been exercised upon them in the retreat of the French army. He did not think it necessary to urge this subject by entering into details of what had been inflicted and what endured. What he was about to propose was justifiable, not only on motives of generosity to a people in alliance with us, but was due on the sound policy upon which he conceived every one must see that the proposition stood. But he should take the liberty of making a few observations on its general principles. There could scarcely exist a doubt, that in such a contest as that in which this nation was now engaged, a fair and full view of its circumstances would justify us in raising a resistance in any part of the continent of Europe against the enemy, when there appeared any prospect of such resistance being efficacious and successful. But there had been much doubt, and experience had confirmed the opinion, that whatever general principles of policy might justify, we ought to know the sentiment of the nation which we were about to assist and encourage: we ought to know that she felt as sincerely and deeply as ourselves the nature of her situation; and that she felt that spirit and energy to resist her oppressor which could alone lead to a steady, regular, determined opposition, which could only be expected to be success-d by the full view, on the part of the struggling nation, of the dangers and difficulties against which it had to contend. Under these circumstances, he begged their lordships to look at the great exertions of the Portuguese, and to consider that for the purpose of such a defensive war, the first and main-spring of resistance must be found in the spirit of the people themselves. Great exertions were made in the first instance; but there was one great matter still required; there was wanted not only the spirit to prepare, but the spirit to endure. See what were the efforts which had been made by the nation. It was not only the exertions of the Ordenanza, nor the numerous and great individual efforts, but it was the persevering and vast sacrifices which had been sustained by the public spirit, which, under the exertions and directions of that great commander—for so he must call him, though so nearly related to him by blood—had been rendered so essential to the general defence. Every man must agree, that by the whole system, all the attempts of the enemy had been frustrated; the whole of this great combination of measures for defence had tended to exalt our military character in the highest degree, in every sober, stedfast, regular consideration of such a subject. It had manifested the wisdom of the commander, and had defeated the enemy in all his efforts. As we had felt ourselves fully justified in sustaining the military efforts of the Portuguese government, so now that we had gained that main spring of defence, the will and spirit of the Portuguese people, were we equally justified in rendering our assistance to them. When we saw that distress which they had borne with firmness and perseverance, should we not agree to give our aid for relieving them from the pressure? Indeed, we should be laying the foundation for the erection of new military undertakings, by supporting and animating a spirit, not originally created by us, but hitherto fostered by us so successfully, and which after its sufferings and privations came back to us for farther sustenance and encouragement. On this great military diversion, founded in public spirit and fortitude, depended the hope of any favourable alteration in Europe, and, in no small degree, our own particular safety. The consequences of the example of Portugal might prove as beneficial to other nations of Europe as they had hitherto been for her own defence. This measure, therefore, he would repeat' stood upon the ground of the solid, substantial policy, of encouraging what had proved so advantageous, and not simply an old attachment, friendship, and alliance. It stood on the ground of the only hope of achieving any thing in the shape of security for any part of Europe. It combined principles, in which ancient alliance and particular and general safety, were equally concerned. He was satisfied that their lordships would not repudiate those grounds of action—that they would not repudiate such old and admitted principles of national conduct, which were in such perfect consonance to every dictate of morals and of religion. The principles of our measures in Portugal were not to be characterised as sentimental, chivalrous, and, romantic: they were connected with every sentiment that was dear to British hearts. Hitherto we had given our aid liberally, and there were the best reasons for our continuing to do so. It was fresh in the recollection of their lordships, that they had acted on a broad, fair, and liberal scale. He hoped he had not lived to see the day, though he had sometimes been surprised by hearing something like it, when it should be said, that ancient faith, long-tried attachments, and close connections with our allies, were circumstances to be discarded from our consideration; and that they should be sacrificed and abandoned to the mere suggestions and calculations of a cold policy. Connected and combined as every great view of such a subject was in this measure, he should not further encroach upon their lordships' attention except to mention, that the sum he proposed for the relief of the suffering subjects of our ally in Portugal, was 100,000*l.* The noble marquis then read the Address to the Prince Regent, which was conformably to his Royal Highness's message: and moved that the Address be agreed to.

Earl *Grosvenor* felt considerable difficulty in acceding to this motion, particularly when he considered how much had been done already for Portugal. Lately two millions of money had been granted to that country; and the reason then assigning for proposing it was, that the French were in possession of great part of Portugal, and therefore the revenues could not be received from the distant provinces of the country. Now the same reason did not hold, for the French were in possession of only a small part of Portugal; and he would ask, were their lordships really prepared to take the whole burden upon themselves, and exempt the Portuguese altogether from the burden of relieving their own people? It was a principle as applicable to public as to private affairs, that you should be just to your own people before you were generous to other nations. He knew it would be generally thought, that this was a magnificent and high sounding proposal, and that to some minds it might recommend itself on that very account, particularly as displaying a marked contrast with the barbarity and atrocities of which the French had been guilty towards the Portuguese. These were, indeed, shewy principles; but he doubted whether they were sound in the present circumstances of the country. He was not for deserting an ancient ally; but sometimes too great liberality had the effect of discouraging the efforts of those who were the objects of it. He begged, however, to remind the House, under whom these exertions of the Portuguese had been made; they were made under the direction of British officers: and hence he concluded, that if any thing was to be expected from the Spaniards in the common cause, it must be from their being led on by British officers.

The Earl of *Harrowby* observed, that his recollection did not furnish him with the reason assigned by the noble lord for the former grant, namely, that a large proportion of Portugal was in the hands of the enemy. That was a grant founded on reasons of its own, and furnished no argument whatever against the present. It should be recollected, that the war in Portugal was not an ordinary war, nor conducted by the French on the principles usual in former times, when, though a hostile army traversed a country, yet still something was left for the subsistence of the inhabitants; but Europe had never witnessed such barbarities as had been perpetrated by the French; and the country through which they passed had been plundered and exhausted to such a degree, that British humanity alone could afford it the common and necessary means of existence; and if the aid was not speedily granted, it might come too late to effect its object. Highly as he thought of the talents of the British officers who were at the head of the allied army, he did not believe that even their talents would have produced their effect without the exertions of the Portuguese population. The peasantry and the militia had uniformly displayed the greatest ardour, and their army had fought side by side with the British soldiers. Let their lordships look also at the accounts which had been received of their inferior officers, and it would be found that they had always their full share in the danger and the glory of every action. The liberties of Portugal had been saved, at least for a time, at the expence of much blood and treasure, and if farther distresses were inflicted on the people by the atrocities of their enemies, which it might not be in the power of this country to prevent, the present measure would at least display the generous policy on which we had acted.

The Marquis of *Lansdowne*, in consequence of what had fallen from his noble friend (earl Grosvenor) felt himself called upon to state shortly his reasons for voting for the present motion; agreeing in the justice of the remarks made by his noble friend, he still could not consider them as a ground for resisting the motion. As applied to economy in our expeditions, and the taking care that more expence was not incurred than was commensurate with the object to be attained, he perfectly concurred; but whatever might have been his opinion regarding the policy of our military exertions in Portugal, no doubt now existed in his mind, that the efforts made by the people of Portugal eminently deserved at our hands the aid now asked, to relieve that distress into which they had been plunged by the barbarity of the enemy. Of that state of distress there could be no doubt; it was confirmed by all the accounts received from Portugal, which stated the privations endured by the inhabitants to be extreme. Whatever, therefore, might have been his opinion of any part of our policy in Portugal, or even, if he believed that lord Wellington would be again compelled to retreat, still he would vote for the present motion, convinced that by affording this timely assistance to the distressed inhabitants of Portugal, we should manifest a conduct so oppositely contrasted with that of the enemy that it could not fail to make an impression in Europe highly favourable to the British character, and tend to place that contrasted conduct in the strongest point of view. In Portugal itself it could not fail eminently to raise the British character in the estimation of the people. In thus raising the estimation of the British character in

Europe, by displaying its beneficence, its generosity and its humanity, as contrasted with the savage barbarity of the enemy, the most beneficial consequences must result with a view to the great contest we were maintaining against that enemy. In extending to the people of Portugal that generosity for which they might look through Europe and the world in vain, we placed our national character upon a pinnacle of greatness which nothing could destroy. It was through these acts that Europe would see the excellencies of our character, and its eminent superiority to that of the enemy. Even if our army was compelled to evacuate Portugal, and we should be unable to withstand there the progress of the enemy, still this act would be productive of the most beneficial consequences, the posterity of the inhabitants of Portugal would remember with gratitude the aid afforded to their ancestors in the hour of their distress, and would hail the British character with a corresponding admiration. For these reasons, the Address should have his hearty concurrence.

The Address was then agreed to.

HOUSE OF COMMONS.

Monday, April 9.

Parish Apprentices Bill.] Mr. *Wilbraham Bootle* moved for leave to bring in a Bill to amend the state of Parish Apprentices. Formerly the parish children, who were put out as apprentices, were bound either to masters resident in their own, or in the adjoining parishes. The overseers appeared to have forgotten, that it was their duty to stand in some measure *in loco parentis*, and to look to the interests of the children when they were putting them out as apprentices. The hon. member here quoted the words of the late lord Kenyon, in a case where a foreigner was indicted and found guilty of ill-treating some apprentices which had been bound to him by parishes. That noble judge reproved most severely the conduct of the overseers in that instance, and said that they had acted contrary to their duty and to the law of the land, in putting 17 children as apprentices to a man who could neither employ or feed them. Too many overseers appeared perfectly content to get rid of the burthen of the children, without caring what afterwards happened to them. In fact, it was impossible that the overseers of parishes in the metropolis could exercise the superintendance which the law required, if the children were to be sent off by 200 at a time to Manchester or Yorkshire to the manufactories; neither was it likely that the manufacturer who took two or three hundred apprentices could pay that attention to their morals that was due, or in any way stand *in loco parentis*, as the law required the master to do. A very considerable number of children were regularly imported into Lancashire from the metropolis, for the purpose of the manufactories. To remedy the great evil which often resulted from children being thus sent friendless into distant parts of the country, he wished there should be a regulation that they should not be sent to a greater distance than forty miles from the place of their settlement; at this distance they might be occasionally visited by some of their overseers or by their parents, which would prevent their being ill-treated by their masters. He would wish at least to try the experiment whether employment could not be found for the poor children of this metropolis within the distance of forty miles from it. He should also propose a limitation of the number of apprentices which were to be bound to one man, as it was impossible that in those manufactories where many hundreds of children were taken apprentices, due attentions should be paid to each of them. He would also propose, that 40 days should elapse between the time that the child was sent and the completion of the indentures, in order that it should be ascertained what was the temper and character of the master. After a few general observations upon the advantages of regulations similar to those he had mentioned, he moved for leave to bring in a Bill to amend the state of parish apprentices.

Leave was given, and the Bill was immediately brought in and read a first time.

Pay of Officers of the Navy on Foreign Stations.] Captain *Bennett* rose, pursuant to notice, to submit a motion relative to the pay of Officers of the Navy on foreign stations. In consequence of the fluctuation of the foreign exchanges, or rather the depression of them against this country, the officers of the navy on the Mediterranean station, and at Lisbon, actually suffered a loss of about 30 per cent. on all pay remitted to them. All that he desired, was, that the navy should in this respect be put on a footing with the army, and that they should receive their pay at par. This question, which was merely brought for the comforts of the navy, and was quite abstracted from all party considerations, would, he hoped, receive the sanction of the House. He understood that it was to be opposed by some of his Majesty's ministers, but he could not conceive upon what ground, as the matter appeared to him so strictly just and reasonable. He could see no reason why the officers of the navy should not receive the same advantages in this respect as the officers of the army. He concluded by moving that this House will resolve itself into a Committee of the whole House to consider of the Act of the 35 Geo. 3, c. 94, respecting the wages and pay of certain officers of his Majesty's Navy, so far as relates to Bills drawn by Officers serving on Foreign Stations under the provisions thereof.

Mr. *Yorke* was convinced that no party considerations were mixed with the present question. Every man must feel for the honour and comforts of the navy, and in this feeling he partook as much as the gallant officer, or any other man. The gallant officer must have known, that what he had proposed, it was not in the power of the Admiralty to do, and that it could only be done by that House. Before he adverted to the situation of officers employed in the Mediterranean, he should first generally state, that before the year 1795, the officers, as well as the ship's company, only received their pay when the accounts were closed at the end of the year, but by that Act they were allowed to draw on the Navy Board quarterly for the amount of their pay. Until this regulation, the officers in the Mediterranean, as well as on other stations, were indeed exposed to considerable hardships, both upon this account and on account of the unfavourable state of the exchanges. In 1800 and 1801 the price of the dollar rose in the Mediterranean and Levant, and the exchange had been sometimes favourable, although he must allow, that for many years back the dollars had been above the *par*, which was 4*s.* 6*d.* and even sometimes rose as high as 5*s.* 8*d.* in that part of Europe. If the motion of the hon. officer was agreed to, the country would suffer an annual loss of 25,000*l.* for remittances to officers on the Mediterranean station alone, and similar claims would certainly be put in by officers on other stations. The common men might also think that they had a righ to similar allowances. He hoped that th exchange would not remain permanentl against this country, but that in time would so far recover that the officers shoul have nothing to complain of. Besides th loss which he had mentioned, he believe that the officers would draw more bills, i those bills were to be paid at *par*; and h thought that even the evil which was no complained of might produce in them habits of economy and frugality, when they found that they lost considerably by drawing for money from England. If th motion was agreed to, it would have tendency to turn many of our officer into money-brokers. He found himsel compelled by his sense of duty to oppose the motion.

Mr. *Whitbread* hoped that this question might be discussed without any considerations of party. He did not wish to oppose himself to the administration of the righ hon. gent., whose conduct in his department he had always heard spoken of with the greatest approbation. He thought i was due to the right hon. gent. to say so much in praise of his general administration of the Admiralty, yet in the present instance he must entirely disagree with him. If the present motion had come from that right hon. gentleman, he was sure that it would have been agreed to by the House without any opposition. He could see no reason why the officers of the navy should not have the same allowances as the officers of the army. The right hon. gent. seemed to think that their superior accommodation on board ship, where their lodging and food was provided for them, was a sufficient reason for a difference. He, however, thought otherwise, for doubtless all those things were taken into consideration when the pay of the two services were fixed. As to the chance of the exchanges rising in time, that was nothing to the officers now serving. It was a poor comfort to the officers who were losing 30 per cent. out of their pay by serving their country in the Mediterranean, to tell them that some time or another officers might possibly gain by the exchanges becoming favourable. When the right hon. gent. said, that probably the exchange would again rise to be in favour of this country, he must say, that he could see no such probability. Suppose that an expence would be incurred by this means of 30 or 40,000*l.* a year, he was convinced that it could ll be saved on some other part of the y estimates. But, if it could not be ed, still he was sure that the country uld never grudge such a sum for the mforts of a set of men, who were in a culiar degree, the beloved of the nation. thought the right hon. gentleman's y of teaching them frugality and eco- my was rather a curious one. To be e, if from the income of a man of a ndred a year, you take away thirty, at man is obliged to be economical and gal in spite of himself. But he did not ow what right they had to force people be economic and frugal in that manner, why the naval officers should be fined the amount of 30 per cent. on their pay erely because they were sent to serve eir country in the Mediterranean. The ght hon. gent. had seemed afraid that all e officers would turn money-brokers, if eir bills were payable at *par*. [Mr. oker said, across the table, "not all, but any of them."] Oh! then it seemed that e Secretary to the Admiralty did allow at there might be some splendid ex- ptions of officers who would not be oney-brokers! He differred from him, wever, in this respect, and thought that ry few of our naval officers thought of aking money by calculating rates of change. Their principal calculation gain was from taking prizes. He hoped e House would do that justice to the avy which the ministers did not appear clined to do in the present instance; nd he should wish that the hon. officer ould take the sense of the House, in rder that it might appear who voted gainst their claim and who supported it.

Mr. *Croker* said, the hon. gent. had not futed any one of the arguments of the ght hon. gent. who preceded him; and n one or two occasions, had shewn that e completely misunderstood him. On ne of these occasions, after a long tirade, e had felt the necesity of confessing his gnorance of what, perhaps, every body in e House but himself completely under- tood. He rose at present to take notice f an unfair construction that had been at- empted to be put upon his meaning, when he hon. gent. first charged his right hon. riend with having said, that all the officers f the navy would become money brokers; nd then attempted to convert his (Mr. roker's) dissent into an expression that here might be some. The expressions nade use of by his right hon. friend, vere very different from those assigned to him by the hon. gent.; and he had no right, therefore, to put what he must call a calumnious construction on his sentiments.

Mr. *Rose* said that he felt as much for the honour and comforts of the navy as any man, and had done all that lay in the power of his humble efforts to promote them. He therefore trusted that he should not be considered an enemy to the navy, although he must oppose the present motion. On some stations the exchange was in favour of the officer, and on the Jamaica station in particular, it had been pretty permanently 12 per cent. in their favour. The calculation of the allowances to be made to the naval officers would be extremely difficult, as there was no paymaster as in the army.

Mr. *Horner* supported the motion, although he was generally in favour of increases of pay and allowance originating with ministers, and not in that House. He certainly did not think that it would be right to be calculating minute variations of exchange, but that when a very strong case was made out for relief, as he conceived this to be, he thought the officers should not be permitted to suffer so very considerably.

Mr. *Huskisson* conceived, that great difficulty would arise, if we were to think of adjusting the pay of officers to the incessant variations of foreign exchange. In some cases it would be equivalent to an advance of 30 per cent. on their pay, to the disadvantage of the country; in some, of course, a diminution. They could not be paid in bullion, without a serious loss in its purchase. The measure proposed would have the effect of introducing a certain kind of money-brokerage into the service. If the measure proposed had any foundation with respect to the officers in the Mediterranean, there was no reason why it should not reach to all officers, naval and military, abroad. The question was connected with that of exchanges, and was extremely extensive. He concluded by recommending the motion to be withdrawn.

Captain *Bennett* said, that the navy had been now four years suffering from this grievance; how long, then, he asked, were they still to suffer from the commercial system of the gentlemen on the other side of the House? He had frequently heard of the cold calculations of the cabinet. The memorials of the navy officers on this subject had been passed over in silence.

How long, he asked, were they to suffer under this cold-blooded system? Were he to be alone on this question, he should still feel it to be his duty to divide the House. He saw clearly, however, that the administration would be successful. He mentioned the different diminutions which the income of the officers of the navy had suffered from income tax, &c.; and then asked with what propriety the right hon. gent. could call them money-brokers? He never lamented, more than at that moment, the want of the powers of eloquence, that he might express his indignant feelings at that insinuation. Nothing but imperious necessity could have induced him, inexperienced as he was, to come forward with the motion: but having once made it, he would take the sense of the House upon it.

Mr. *Yorke* said, he was not aware of more than two memorials having been presented from officers on foreign service.

Mr. *H. Thornton* thought the question premature, as there was another question depending by which this would be materially affected. He therefore thought that the other should be decided before the present was entered upon.

Sir *C. M. Burrell* said, the officers of the navy had been ill used by the House, in the deduction which had been made from their shares of prize money, merely for the sake of popularity.

Admiral *Harvey* stated his determination to vote for a Committee.

Mr. *Whitbread* declared his intention of moving the previous question, that the gentlemen opposite, who seemed to think it premature, might have an opportunity of supporting it hereafter. He was proceeding in his observations, when

The *Speaker* suggested that the hon. member had spoken already upon the subject.

Mr. *W. Adam* said, that understanding the gentlemen opposite in the same way that his hon. friend had, he should afford them the opportunity, by moving the previous question.

Mr. *Whitbread* said, he should vote for the previous question, if he understood the hon. gentlemen correctly, and might hope to have their support to the motion on a future occasion; and this he understood to be the feeling of his learned friend.

Mr. *Huskisson* said, he declined giving any pledge as to his vote, upon any future occasion; and repeated that he thought the measure premature.

Mr. *Horner* said, he had forborne from alluding to the other questions, as he thought that if our officers on foreign service experienced any loss, let it proceed from what source it would, they ought to be indemnified.

The *Chancellor of the Exchequer* observed that the manner in which the previous question was put, was not peculiarly gracious; nor did he ever recollect a question so completely converted into a party question, after the expression of so strong a determination to the contrary. The gallant captain had so far forgotten his original determination, that he did not hesitate to complain of the cold blooded feeling and calculation of the Treasury, though nothing could be more unjustly imputed to them in any thing relating to the interests of the navy. As to the hon. gent. who sat next the gallant officer (Mr. Whitbread) after having first transferred his motion to his learned friend (Mr. Adam), he determined that in case of a certain answer to his question he would vote against his own motion; and afterwards went so far as to promise not only for himself but for his learned friend. As the previous question appeared to him the handsomest way of meeting the subject, he would engage that if the hon. gent. would vote against his own motion he would vote for it.

After some further conversation between sir John Newport, Mr. Adam, the Speaker, and captain Bennet, the previous question was carried.

Distillery Bill.] The Chancellor of the Exchequer having moved that the Report on the Distillery Bill be recommitted.

Sir *John Sinclair* stated his objections to the measure. He estimated the whole amount of grain used in Distilleries at 800,000 quarters in the year, which could not amount to less than a million and a half of money. To interfere with this was a serious matter; and would be attended by the most pernicious consequences to society at large.

Mr. *W. Smith* quoted the opinions of the corn distillers themselves, who represented the measure as a death blow to their trade, if carried into execution. Within the last forty years there were only three prohibitions, a circumstance which formed a kind of prescription in favour of corn distilleries. He went into a minute calculation to prove, that by ncouraging the practice of distillation om sugar, one million of money would e taken from the national stock without ny kind of benefit; but confining the peration of the measure to England lone, the loss would amount to 300,000*l*. f it were right to tax this country for the Vest Indies, this was not the way to tax : and the whole of the evil of which hose colonies complained, required a different policy. He did not wish that the griculturists of the West Indies should e injured; but he was unwilling that hey should be encouraged to produce ny article to an extent for which there vas no demand, and then to call upon hose of England to submit to taxation n account of it.

Mr. *Hibbert* observed, that on the average of the last eleven years, a sum of four nillions yearly had been paid to the enemy for corn. Last year the sum was even millions; one year it was ten milions; but on the whole it was forty milions and upwards. All that the West India proprietors asked was, to be let into ne fifth of this sum, and the remaining our fifths would, he contended, be sufficient to encourage agriculture. There was no measure likely to be more effectual than this against the enemy; who never impeded the export of grain, nor had any objection to receive our coin and bullion, but vigorously excluded all colonial produce.

Mr. *W. Taylor* considered the corn laws and the distillery laws as parts of one system of laws. Ever since the Revolution, they had been considered in that light. In various periods of scarcity, viz. 1699, 1757, 1795, and 1800, the export of corn was prohibited, as well as the distillation from spirit. He did not wish this country to be dependent on the enemy; and was of opinion, that instead of interfering with the interests of agriculture, as they would by such a measure as this, they ought to encourage the cultivation of corn.

Mr. *Fuller* said that the mere principle was to put commodities upon a fair footing. Gentlemen should not affect to think so lightly of our West India colonies; they had given more than their due share of support in carrying on the war, as affording a market for our manufactures, and a nursery for our marine. They all saw how Buonaparté valued a West India colony, while he had one, never sparing a ship or a man to retain it, well knowing that without colonies, France, after all, was nothing, and yet gentlemen on the opposite side could be blind to advantages so obvious to that great and wise man—not that he meant to compliment Buonaparté, whom he believed to be the greatest villain on the face of the earth, but if one who was known to keep so good a look-out to his own interests, thought so highly of those colonies, what could those persons mean who made so much noise about their corn-growers, and potatoe-growers, and what not? This talk about the landed interests would be attributed to country "Gentleism," but it looked more like country Jewism, dissatisfied with any thing less than "shent per shent for their money." (Laughter.)

Lord *Binning* observed, that notwithstanding all the gloomy predictions of the opposers of this Bill, at the time the measure of 1808 was brought forward, the enterprise of farmers had not declined; and therefore he was of opinion, that the fears of these honourable false prophets were to be received with considerable caution. This measure, as well as that, was founded on the fact of a large importation of corn. No man felt more strongly than he did the claims of the West India proprietors on the justice of that House. He was persuaded they ought to be let into a competition with the foreign corn-importer. An average of 30*s*. was a considerable price for barley; but 38*s*. was much more favourable to the farmer than 70*s*. to the sugar-planter. He did not think that the barley-growers had much reason to complain; and was of opinion that the measure ought to have a trial.

Sir *John Newport* deprecated the spirit of intermeddling with the agriculture of the country.

Mr. *Rose* said, that the objections of the distillers arose from the fear of illicit distilleries, and the introduction of spirits from Scotland; but those were matters for the revenue to guard against. The legislature had for centuries past been in the habit of intermeddling with the agriculture, and the propriety of doing so upon the present occasion rested upon a strong ground, that of preferring our own colonies to foreigners.

Mr. *Western* contended, that if the waste land in this country were cultivated, it would be as productive as could be desired, and consequently supersede the necessity of having recourse to foreign markets for a supply. He was against the measure, as injurious to the agricultural interests, as being calculated to force the consumption of sugar, and therefore he conceived that the principles of it induced the strongest objections on the part of the landed interest.

The *Chancellor of the Exchequer* wished to make a few observations upon one or two points which had been adverted to in the course of the debate. He denied that the measure would have the effect of forcing the consumption of sugar, but even supposing that was the ultimate object, it could only apply when the price of barley was above 38*s.* in no other respect could it have that effect. With respect to the apprehensions entertained by some gentlemen as to its producing importations of foreign spirits and of illicit trade, those were apprehensions which the test of experience would very shortly determine. The right hon. gent. then combated the arguments of the hon. gent. (Mr. Smith), contending that they were erroneously founded upon the presumption that distillation would be produced from the cheapest commodity. He was as anxious for the use of grain as any one, but for the reasons before stated, he thought it the true policy to permit distillation from sugar.

Mr. *Marryatt* supported the measure, convinced that the complaints of the landed interest were in a great measure groundless, and the claims of the West India proprietors well founded.

The House then divided, for the recommittal, Ayes, 66. Noes 31. Majority 35. The House then went into a Committee on the clause for limiting the duration of the Act for three months to Ireland. After a short discussion, in which sir J. Newport, Mr. Grattan, Mr. Curwen, Mr. Rose, and Mr. Fuller participated, the clause was agreed to, and the House having resumed, the Report was ordered to be received to-morrow.

HOUSE OF LORDS.

Wednesday, April 10.

SPANISH ARMIES.] Lord *Boringdon* called the attention of their lordships to a subject which he deemed of considerable national importance. In the course of the discussion which took place on the occasion of the Thanks of the House being moved to general Graham, it appeared, that that part of the events of the memorable day on which the action was fought, which justly gave rise to sensations of r gret, and to feelings of a stronger natur was to be attributed, in a great degree, the present state and organization of th Spanish armies. This was a topic ev dently of great national importance, an on which the House and the country had right to expect some information from h Majesty's government. Under this im pression, he should, after the ensuing re cess, submit a motion to their lordship for an Address to his royal highness th Prince Regent, requesting him to orde that copies of such correspondence an communications as had taken place betwee his Majesty's government and that o Spain, on the subject of the actual stat and organization of the Spanish armie be laid before the House. He was full aware, that although this was a topic o considerable public interest, in conse quence of the particular and evident re lations between this country and the Pe ninsula, yet he felt it was also one of very delicate nature; and it was mor than possible that the exposure of suc communications might be productive o some degree of public inconvenience. In that view of the case, if his noble frien the Secretary of State should express a decided opinion, that in the present circumstances a degree of public inconvenience, from an exposure of the kind would result, he should, on that importan ground, though he felt strongly on the subject, decline pressing his notice.

The Earl of *Liverpool* begged leave to observe that his Majesty's governmen were as fully aware as his noble friend or any other individual peer could be, of the great national importance of the subject adverted to. It therefore had engrossed a due share of their attention; and, as might be supposed, representations had been made, and communications had taken place between his Majesty's government and that of Spain, on the topic alluded to. They were fully aware of the advantages in a belligerent point of view, which would arise from the introduction of the principle and system, into the armies of Spain, which by their efforts had been so successfully introduced into the armies of Portugal. But his noble friend and the House would be aware, that the relations between this country and Spain were by no means of that favourable nature, for such an object, as they were with Portugal. The long, close, and ancient alliance, which subsisted between the two govern-rents and countries, those of Great Bri- ain and Portugal, naturally gave the ormer a degree of influence in Portugal, hich, from circumstances, could not be xpected with regard to Spain. In the ormer, from the causes to which he re- erred, this country was naturally looked p to in Portugal, and enjoyed a degree of nfluence and consideration, it could not as et in other parts of the Peninsula. The pprehension of his noble friend, that the ommunications which had taken place, nvolved materially, points of equal de- icacy and importance, and would, under he circumstances of the moment, in their ublic exposure, be productive of con- iderable inconvenience, was just; and, nder such a conviction, he thought his oble friend must be unwilling to press his notice.

Lord *Boringdon*, under the assurance his oble friend had given, should decline ressing his motion.

HOUSE OF COMMONS.

Wednesday, April 10.

Relief to the Inhabitants of Portugal.] The House having resolved itself into a Committee of Supply, and the Message of the Prince Regent being read,

The *Chancellor of the Exchequer* spoke nearly to the following effect:—Mr. Lushington; In rising to submit to the consideration of the Committee, the gracious Message of the Prince Regent, and to call upon them to second the views of his Royal Highness towards the suffering Portuguese—views which are as congenial with the liberality of his own nature as with that of the sovereign he represents, and of the people over whom he governs, I am sure I have no difficulties to anticipate, no obstacles to remove, and no prejudices to encounter; I am sure there is not a man in the country, from the highest to the lowest, who will not approve of the proposition I shall submit, and willingly contribute his share towards the furtherance of a measure founded equally in policy, in humanity, and in justice. I cannot conceive a motive by which one country should be induced to assist another in distress, which does not apply to the case immediately before us; whether we proceed upon the calculations of a narrow policy, or the estimates of a true economy, or the more enlarged and enlightened principles of moral duty, the relation, and the misfortunes, and the spirit of Portugal, put in their claim to our protection. In whatever light it is considered, every one must agree, that under the present circumstances, relief should be afforded. If we would inquire into the grounds by which such a measure is recommended, we would first look to the wants and merits of the country, in whose behalf we were applied to; we would also consider whether that country had not some claim upon our interference; we would ask whether those for whom we felt an affection were likely to be gratified by the act; and lastly, we would decide whether policy, humanity, and mercy, concurred to recommend the claim, and strengthen the obligation. I hold in my hand, Sir, a letter from lord Wellington to lord Liverpool, dated the 27th of October, in the last year, in which the opinion of that noble lord, with regard to the wants and the merits of the Portuguese, are strongly and distinctly delivered. [Here the right hon. gent. proceeded to read the extract, which represented that the Indian corn harvest being unfortunately on the ground at the time of the invasion of the country, could not be withdrawn, and was, therefore, according to the uniform practice of the French troops, destroyed. After relating the hardships to which the Portuguese inhabitants were exposed, in consequence of this calamity, it recommended them to the notice and humanity of Great Britain, which had often manifested its benevolence in other cases, but which, in no case, was ever called upon by stronger claims, whether they considered the sufferings or the attachment and fidelity of the claimants. The extract concluded with a declaration of his lordship, that he did not know a single instance, in which any individual, even of the lowest order, had held a communication with the enemy injurious to his country or his Prince, and an expectation that the enemy might be obliged to evacuate the country, in which case, we would have an opportunity of exercising our benevolence towards the inhabitants.] Sir, continued he, I do not quote these extracts to the Committee for the purpose of shewing the modesty of the noble lord, a modesty which disdained the boast of annihilating a great army, while he anticipated the probability of forcing it to evacuate the country, and was satisfied to express with moderation, what the event has proved he foresaw with much clearness, and planned with great skill. It is not, I say, for this purpose, that I quote those extracts to the Committee, but to prove the deserts and the wants of the people in whose behalf I apply; at the same time it will afford a satisfaction to the people of this country to reflect, that while that noble lord and gallant general was occupied in the business of a protracted warfare, while he was surrounded with the cares and dangers to which his situation exposed him, and suffering the hardships inseparable from the soldier's life, he was at the same time occupied in contemplating the distresses, and providing for the relief of the afflicted. But if such was the condition of the Portuguese at the period when this letter was written, if such were their sufferings, and such their merits, need I inform you that they are since increased? The noble lord might indeed pity, as he did pity them, but he had not such a perfect experience of their military character, or of the zeal with which the whole population contended against the common enemy. He might indeed pity them then, but he had not such a long and intimate acquaintance with the extent of their distresses. I should think, Sir, that the wish to gratify a person who has so distinguished himself, would form no inconsiderable motive towards the adoption of this measure. I should think also, that the circumstance of its coming recommended from the Prince Regent, would form another motive in its favour. It is natural enough that he, the short period of whose government has been marked with such brilliant successes, whether we take into our view the enterprize at Banda, or the achievement in the Baltic, or the conquest of that island, which it has been so long the object of successive governments to reduce, I mean the Isle of France. Whether we consider the action of General Graham at Barrosa, or lastly the evacuation of Portugal by the French, we behold, as it were, a mass of successes; and, it is natural that he whose government has been distinguished by such a brilliant character, should wish to mark the period of that government by an act of humanity. But it is not merely the feeling of the Prince Regent, it is not merely the feeling of Lord Wellington you will consult, but it is their feelings together with those of the whole army. I am sure there is not a member in the House who does not recollect that when the great body of the population was driven within the British lines, the British officers made a subscription for their relief; and I am equally sure that the representatives of the people of England will not prove themselves the only persons indifferent to their situation. If, suppressing the influence of such motives, we look barely to our interest in this question, nothing can be more clear than that it is still imposed upon us as a duty. It is important that, in the moment of our elation and triumph, we should hold up a contrast to the world, not only between our own character and that of the enemy himself, but between our real character, and the character which he has so calumniously ascribed to us. I do not allude here to his representations of the contempt with which he says we are treated by the continent, but to that picture which he has drawn of our objects and intentions as compared with his own merciful and paternal government. The Committee will, I hope, permit me to refer to his language upon both these topics, that I may have an opportunity of comparing them with facts, and drawing from them those conclusions which experience justifies.—[Here the right hon. gent. read several passages from the addresses of general Massena to the Portuguese; the chief points of which were, that the army of Napoleon the Great did not come to invade, but to benefit their country, and act differently towards them from England, which risked nothing in their behalf; that it was the wish of the great monarch to improve their condition; that there was a fatality attached to the English armies, which rendered them of no use to their allies; that while France only made war upon sovereigns, England sought to destroy merchandise and trade; and that our troops had pursued a system of compulsion and barbarity towards the inhabitants, of which history furnished no parallel.] The right hon. gentlemen then proceeded:—For the English part of this character I refer to the application of lord Wellington in behalf of those very Portuguese whom he is charged with oppressing and destroying; and for the French part, I do not see how I can better meet it than by lord Wellington's last dispatch, which exhibits, in proper colours, their hollow and insidious promises. The dispatch to which I allude speaks thus of the retreat of the French army:—" On the night the enemy withdrew from their position; and they have since burnt every town and village through which ey have passed. The Convent of Albaca was burnt by order from the French ad quarters. The Bishop's Palace, and e whole town of Leyria, in which gen. ouet had had his head quarters, shared e same fate; and there is not an inhaant of the country of any class or deription, who has had any dealing or mmunication with the French army, ho has not had reason to repent of it, d to complain of them. This is the ode in which the promises have been rformed, and the assurances have been lfilled, which were held out in the proamation of the French Commander in hief; in which he told the inhabitants of ortugal, that he was not come to make ar upon them, but with a powerful army 110,000 men, to drive the English into e sea. It is to be hoped that the exnple of what has occurred in this country ill teach the people of this and of other ations what value they ought to place on ich promises and assurances, and that here is no security for life, or for any hing which renders life valuable, exceptg in decided resistance to the enemy." uch is the light in which the French, ith all their abuse, appear to the world; hile England, on the other hand, appears o such advantage, that it requires but one otorious act of contrast to perfect the disnction—and that act we will accomplish y our vote this night. Whatever may be he result of the war in which we are enaged, whatever may be the result of the etreat of Massena; whether (as it proaises from every calculation we can at resent make) it turns out to be a retreat ithout return; or whether, as some have rofessed to believe, the enormous power f Buonaparté may again supply his troops nd enable them to retrace their steps; hatever be the event, this measure must e beneficial, by instancing the advantage f British connexion, as compared with rench assistance. The truth established y this measure may operate not merely n the Peninsula, but throughout Europe, nd the world. It may not merely produce the effect of confirming one power, ut of animating all powers to resist the espotism of the French ruler, and it must ave the effect of proving how falsely Engand has been calumniated, and how little truth there is in every thing coming from the same source, by which her character was traduced. If in addition to the reasons I have already mentioned, we consider the gratitude we owe to that superintending Providence who is the Giver of all victory, I think we may not be guilty of presumption, in supposing that this act may be acceptable in his sight, and that, pleased with our offering, he may continue to bestow upon us the blessings and successes we have experienced.—I should think, Sir, that any one of the grounds I have stated, would be sufficient to prevail upon the Committee to come to that vote which it is my duty to propose. But when all are combined, and I am enabled to call for a decision upon their united force, I believe that the difficulty will be rather to resist a too enthusiastic compliance, than to procure a reasonable one; and that we shall find it a harder task to do enough, than we should to do too much for them, in justice to our own situation. (Hear, Hear!) I am desirous to grant them assistance, according to what was said in another place, not less than is necessary; but, at the same time, I am desirous that we should shew them we feel the value of what we grant, and offer it, not as the boon of superfluity, but as the contribution of necessity to suffering. Under these circumstances, and from other considerations which I need not stop to detail, I trust the Committee will think me justified in limiting the vote to 100,000*l.* which I shall move as a grant to the Prince Regent, to enable his Royal Highness to afford such relief to the Portuguese sufferers as their situation may require.

Mr. *Ponsonby* said: Sir; In rising to second this measure, I beg leave to express my concurrence in the sentiments delivered by the right hon. gentleman, and in the vote proposed. It is a measure not less due to the spirit of Portugal, than to the magnanimity and generosity of Great Britain; it is as consistent with our interest as it is material to our honour. The only regret with which it is accompanied, on my part, proceeds from the reflection, that the vast expenditure of this country should render it necessary to limit the vote to so small a sum.

The Resolution was then agreed to unanimously.

HOUSE OF COMMONS.

Thursday, April 11.

REPORT OF THE BULLION COMMITTEE.] Mr. *Horner* wished to state, for the information of the right hon. gentlemen opposite, the substance of the Resolutions which he should have the honour of proposing in a Committee on the 29th instant, founded on the Report of the Bullion Committee of last session. The main purpose which he professed to have in view, was, to embody the opinions of that Committee into his Resolutions, for the adoption of the House. In the first place, he would state in those Resolutions, that it was, from time immemorial, the custom, law, and policy of the country, that the standard should be of the lawful coin of the realm; that, having thus resolved, then it would be his object to propose that a deviation was apparent in the present currency, compared with the actual currency, as established by law. He should then propose to state what, in his opinion, was the cause of the deviation in the actual currency from what by law it was intended it should be; and next, to state what appeared to be the recent state of the foreign exchange; and lastly, he should submit, for the approbation of the Committee, what in his opinion appeared best calculated to remedy the evil complained of. The hon. and learned gentleman then stated the various regulations imposed by acts of parliament from the time of Elizabeth to the present time, for settling the standard. Upon these acts he should propose a Resolution, stating that the only legal money, which can pass, is gold and silver, as declared by the various proclamations alluded to with a reference to the acts; and that such being the fact, the fall or deviation in the currency was occasioned by too abundant an issue of paper, by the Bank of England, and country bankers; and that the only security for the country was to convert this paper into legal currency, at the option of the holder at the then price of exchange; concluding with a Resolution, recommending as expedient and necessary, the amending of the law, which authorises the Bank of England to suspend their cash payments. These were the substantial heads of his Resolution; and, he trusted, that if gentlemen on the opposite side were disposed to offer any thing by way of Amendment, they would do him the courtesy to make him acquainted with the substance of their propositions, previous to the day on which he should move the House to go into a Committee.

The *Chancellor of the Exchequer* expressed his acknowledgements to the hon. and learned gentleman, for the candour of his communications; and assured him, that the Resolutions he intended to propose would be met with equal candour on th side of the House.

Mr. *Vansittart* said, as it could not b expected that gentlemen were prepare to state their sentiments, without referenc to the propositions of his hon. and learne friend, that it would be desirable that th Resolutions should, in some way or othe be put in the hands of gentlemen dispose to discuss the question.

PORTUGAL.] Mr. Secretary Ryder presented a Copy of the Letter from lor Wellington to the earl of Liverpool, date 27th of October last. On the questio that the Letter do lie on the table, and b printed,

Mr. *Canning* having been prevente from delivering his opinion on the subjec of the affairs in Portugal on a former night begged to be allowed to avail himself o the present opportunity to say a few word on this head. He was the more incline to trouble the House on the present occasion, from observing how greatly the expectations of many gentlemen had been exceeded by the conduct of the Portuguese troops, to whose zeal, spirit and gallantry lord Wellington had borne such ample testimony. He could not but recollect that some gentlemen had been pleased greatly to disparage the efforts and services of our allies in the Peninsula, and had even gone the length of predicting that no advantage whatever was to be expected from their co-operation. How pleasingly and satisfactorily those predictions had been answered, and proved to be unfounded, it would be needless for him now to endeavour to point out. An hon. and gallant general (Ferguson) who had at one time been impressed with this unfavourable idea of the Portuguese nation, had, with that magnanimity which was natural to him, retracted his error, and done justice to the zeal and spirit of the Portuguese. He had gained a victory more honourable to him than twenty conquests in the field of battle; he had triumphed over his prejudices and prepossessions, and he was not above confessing the victory, and making every atonement in his power. He hoped that other gentlemen would follow so meritorious a conduct, and also retract the opinions expressed by them on this subject. The happy effects produced by the organization of the Portuguese troops had been already seen and felt. Let us hope that similar results might occur in another part the Peninsula. To produce such a fa-urable change, nothing was more cal-lated than to hold out animating ex-ctations, while on the other hand, de-onding language was more calculated an any other circumstance to sink those whom it was expressed deeper and eper into trepidation, and distrust of emselves.

The Letter was then ordered to lie on e table, and to be printed.

Bank Dollars.] Mr. *Manning* said, he ad waited for some time, expecting to see the House a noble lord (Folkestone) ho had expressed an anxiety as to the pply of silver coinage. He now thought his duty to inform the House, in answer what had fallen from that noble lord, at the Bank was in the course of having large quantity of silver tokens or dol-rs stamped, for the purpose of putting em into circulation at the rate of *5s.* and *l.* each. He thought it right to say thus uch, previous to the rising of the House, at the public might be aware of the cir-umstance, and that persons who might be awing dollars out of circulation, in the ope of their rising in value, might be ssured that their expectations in this re-pect would be disappointed.

Adjourned till Monday se'nnight.

HOUSE OF COMMONS.

Wednesday, April 24.

Report of the Bullion Committee.] Mr. *Vansittart* stated his intention to pro-ose Resolutions on the subject of the Bullion Report on Monday next, in case hose of his hon. and learned friend (Mr. Horner) should not be adopted. Having nly very lately seen the Resolutions of his hon. and learned friend, he was not repared as yet to state exactly what the ature of his own Resolutions would e, but he would read them to the House on Friday, after which they might be printed, so as to be in the hands of members previous to the discussion. In the mean time he was desirous that some facts already sufficiently notorious should be brought formally under the view of the House, and would therefore move for some papers. An Account of the number of Bank notes in circulation between February and August 1785-6—2d, the average amount in circulation in 1799, 1800-1-2-—3d, an account of the average amount between 1797 and 1810—4th, an account of the quantity of gold coined from the Revolution to the beginning of the present reign, &c.

Sir *J. Newport* remaked, that these were called for at so late a period, that it would be impossible for his hon. and learned friend to avail himself of whatever light they might throw on the question.

Mr. *Vansittart* said they were matters of notoriety. Gentlemen might, by glancing over one page, see the situation of the exchanges at different periods.

Mr. *Tierney* said that though the hon. gent. wished to elucidate his own view of the subject from these papers, others might see cause to use them for the elucidation of another view. He did not refuse to grant the paper; but the time even for the consideration of the hon. gentleman's Resolutions was very short. He was as anxious as any one that the House should come to a speedy decision on this subject; but, at the same time, it was necessary that they should be thoroughly aware of whatever was to be proposed on either side. If the hon. gent. then intended to propose Resolutions contrary to those of his hon. and learned friend, and could not state them till Friday, he suggested whether it might not be advisable at once to delay the discussion for a day or two.

The *Chancellor of the Exchequer* admitted that there was some weight in what had been said by the right hon. gent., but he thought it better to wait till they heard what the Resolutions of his hon. friend were before they postponed the discussion. Finding that the view taken of the subject by his hon. friend (Mr. Vansittart) coincided with his own, he had requested him to draw up Resolutions accordingly, and it had so happened, that this was the earliest moment he could apprize the House of his intention.

Mr. *Tierney* spoke only on the supposition that they were to be the contrary of those proposed by his hon. and learned friend. If they should turn out unexpectedly not to be so, certainly the foundation of his suggestion would be gone.

Mr. *H. Thornton* thought that there should be the earliest notice given of Resolutions of such great and acknowledged general importance as those to be proposed by the right hon. gent. He did not accuse the right hon. gent. of taking the House by surprise—very far from it; but still it was to be lamented that they were not already before the public, in order to enable them to form a fair judgment upon them, compared with those from which they were avowed so materially to differ. It might too operate rather unexpectedly on his hon. and learned friend, who was not then in town, nor could be, he believed, before some time in the forenoon of Monday.

Mr. *Huskisson* expressed a wish that the resolutions might be ready for printing on Friday.

Mr. *Vansittart* pledged himself that nothing should be wanting on his part to put them in every state of forwardness.—The motion was then agreed to.

Petition of the Brewers of Dublin, Cork and Waterford.] A Petition of several brewers of the cities of Dublin, Cork, and Waterford, was presented and read; setting forth, "That the petitioners are engaged in a manufacture, the prosperity of which is universally allowed to be intimately connected with the health and morals of the people; and that the petitioners had, for many years previous to the late session of parliament, witnessed a desire on the part of the legislature to encourage the use of malt liquor in Ireland, manifested not only by repeated declarations of parliament to that effect, but by a progressive encrease to the duties on spirituous liquors; and that, under the encouragement so held out to the petitioners, and the growing demand for malt liquor resulting therefrom, they were led to entertain a confidence that the brewing trade was considered as an object of national importance, and would consequently continue to experience the kind protection of the legislature; and that, influenced by these motives, they have been induced to expend large sums in extending and improving their works, and in making every other necessary preparation for supplying the extending demand; and that they were naturally led to hope, that the legislature would have been greatly strengthened in its opinion of the high importance of the Irish brewery, not only as connected with public health and public morals, but as an object of revenue through the medium of the duties on malt, from two facts, which occurred during the temporary suspension of distillation from grain in Ireland, commencing in June 1808 and ending in March 1810, namely, that habits of sobriety and good order, with their happy effects, became conspicuously disseminated amongst the lower classes of the people; and that, within the same short period, the consumption for malt liquor Ireland had proportionably increased, insomuch that the malt duties paid by th brewery alone in the year ending th 29th September 1809 (in which year dis tillation from grain was suspende amounted to the sum of 411,646*l*., whic sum exceeded the malt duties paid by bot brewery and distillery together in th preceding year in the sum of 79,268*l*., a though the preceding was by far the mo productive year, in point of distillery revenue, that ever was known in Ireland and that during the last session of parliament, at the same time that the Irish distilleries were permitted to recommenc distillation from grain, the duty on Iris made spirits was reduced to the extremel low rate of 2*s*. 6*d*. per gallon, whilst th malt duty, which principally affects th brewery, remained undiminished; an that, in consequence of this measure, th price of spirituous liquors has become s extremely cheap, that the lower classe of the people have returned with unexampled avidity to the excessive use o those liquors, and the consumption o malt liquor has declined to such a degree as to cause great alarm to the petitioners whose establishments are so extensive a to bear with insupportable weight upon declining trade; and praying the Hous to take the petitioners case into consideration, and to extend to their declining trade such relief as to them shall seem meet."

Ordered, That the said Petition do li upon the table.

The Report of the Committee of Ways and Means was brought up, and the Resolutions read and agreed to.

Sir *John Newport* observed, that there were only three ports in Portugal to which the exports of Ireland, such as woollen, cotton, and leather, could be sent. He wished, therefore, to know, whether any greater facilities would be afforded to the manufacturers and merchants of Ireland to dispose of their commodities? He also wished to know whether any steps were taking respecting the engrossing of brandies by the Oporto merchants?

Mr. *Rose* replied, that there were no complaints of the want of places to dispose of the commodities alluded to, though he ports were so few; for the merchants found customers enough. With respect to the second question, he was not prepared to answer it.

HOUSE OF COMMONS.

Thursday, April 25.

Exchequer Bills held by the Bank.] Mr. *Marryatt* rose to move for the produc- on of an account of the Exchequer bills the Bank of England, for a certain pe- od. The hon. gent. conceived that it ould be necessary to make only a few servations by way of preface to his otion, reserving to himself the right of plying to any arguments which might adduced against it. The amount of Bank notes in circulation for the four years cceeding the period at which his motion ould commence (1797), was from 11 to 13 millions. Previous to the passing of the Bank Restriction Act, they only amounted 8 millions; and it appeared from the ocuments produced, that, at the latest pe- od to which those documents were made p, they amounted to from 22 to 24 mil- ons. The effect of the depression of the oinage was the rapid increase of this ecies of circulating medium, and yet so nconscious was the deputy governor of e Bank of this boon of the ministers, that e attributed the depression to the unli- ited grant of foreign licences, and not to e alarming increase of Bank notes. The reat evil which the public sustained by his increase, was the advance in price of very commodity. The directors of the ank, however, denied the fact; for they ssert that the advance of price is owing to ther causes, and they contend that there not a note more in circulation than what required for the service of the public. ne of the great evils of this circulating edium is the facility which it affords to e company to purchase up all the Ex- hequer Bills which may be brought into e market. Since the discounts have iled them, in consequence of many of eir best customers having found their ay into the Gazette, they of course are bliged to have recourse to other means to btain profit, and they accordingly, with eir own paper, purchase treasury secu- ities. It was the wise policy of our an- estors, when the Bank was first establish- d, not to grant them too wide a field for peculation, lest in so doing they might lash with the interests of the State; but f late years his Majesty's government had eparted from that wise line of conduct, nd, as it would seem, had connected them- elves with the company. In 1793, Mr. itt found it convenient to pass an act, which legalised all treasury acceptances for advances of money made by the company for the use of the government. The spirit of that act did not, however, authorise more than 600,000*l.* to be advanced; but subsequently that had been even done away with, because it became necessary that the connection should be closer than ever. The hon. gent. thought that the conduct of government in that instance was unfair, for if it were necessary that Exchequer Bills should be issued, they might be sent into the world bearing a small interest, and in small sums of 10*l.*, 20*l.*, 30*l.*, 40*l.*, or of 50*l.* sterling: but the consequence of the measures adopted by government were, that the company was enabled to purchase the whole of the Bills issued, to the disadvantage of the public funds. Indeed, so much had the Company ingratiated themselves with the government, that, in 1796, they extorted a sort of promise from the minister, that he would not negotiate any subsidy with any foreign power, without the concurrence of the Bank. The hon. gent. considered this as giving to them a dangerous power, which was evidently manifested; for the extension of their paper issues enabled them to purchase annually 17 millions of Exchequer Bills. He contended that the act of the 33d of the king made them a great part of the government; and, consequently, if they claimed a participation in the public interest, this House of course were entitled to look into their affairs. On these grounds he could see no objection to the production of the account. He then moved for "An Account of the Exchequer Bills held by the Bank of England, in January, April and June, of each year, commencing from the 1st January, 1797, down to the latest period, at which the same can be made up."

Mr. *Manning* replied to the observations of the hon. gent., who had charged the Directors of the Bank with forfeiting that confidence which the public reposed in them. He denied that they had lost that confidence, and he had never heard a charge of the sort, except from the mouth of the hon. gent. He therefore must be allowed to disbelieve it, without evidence to prove it was founded in truth. Under this conviction the topics in the speech of the hon. gent., were scarcely worthy an answer. He must, however, state his grounds for objecting to the motion. The hon. gent. had referred to the clause in the act of the 33d of the King, restricting the advances to the government to 600,000*l.* That clause was introduced by Mr. Fox, and at that time was not objected to; but he should be glad if the hon. gent. would inform him what the commerce and the revenue of the country would have done if it had not been for the issues? The country could not have gone on without them. In proof of the confidence which this House had placed in the Bank, he would refer to the Exchequer Bills act, which permitted the Bank to advance the whole in some cases, particularly in 1810, and in other cases half of the loans of three millions, of the million and a half, and of six millions out of fourteen millions. Would the House have permitted this without being perfectly satisfied that confidence was well placed? They had the opportunity of reviewing the conduct of the Bank, and if they had been jealous of their conduct, they ought in justice to the public to have said so. But in truth the House were not suspicious, and it was only in the hon. gentleman's imagination that the jealousy existed. There was no one instance in the purchase of Exchequer Bills in which the Bank had not gone in compliance with the direction of this House, and had given assistance thereby to the banker and merchant. With respect to the assertions of the hon. gent., he must deny them altogether. The object which he had in view might be obtained, if he would refer to the Appendix to the Bullion Report, which furnished the information required by his motion; that Appendix embraced an account from 1798 to 1810; and on the 5th January 1811, was delivered in an account, by the chief cashier of the Bank, of the notes in circulation; so that every thing which he desired was on the table. He must protest against the doctrine of the hon. gent., of interference with the concerns of the company. He did not conceive that the hon. gent. had the right from motives of curiosity, to examine into those concerns, and therefore he must resist the motion.

Mr. *Marryatt* denied that the information was on the table respecting the purchase of even a single Exchequer Bill in the market. He contended, that if they were permitted to go on purchasing, that they might purchase all the Bills in the market, though he admitted it was putting an extreme case.

Sir *J. Newport* thought that no ground of objection to the Accounts being produced had been laid; at present he saw no limitation to the issue of Bank paper.

The motion was then put and negatived.

HOUSE OF LORDS.

Friday, April 26.

VOTE OF THANKS TO LORD WELLINGTON, AND THE BRITISH AND PORTUGUESE ARMIES.] The Earl of *Liverpool* rose, and addressed their lordships upon the motion, of which he had on a former day given notice for a Vote of their lordships Thanks to lord viscount Wellington, and the brave army under his command, for their signal and meritorious services during the recent operations in Portugal. When he contemplated all the circumstances of the campaign, the wisdom of the original plan of operations, the cool and steady discretion with which it was prudently carried into execution in all its parts, and the final and happy result of the whole in the deliverance of Portugal, from the presence and oppression of the French army, he could not anticipate the possibility of a dissentient voice to the motion with which he meant to conclude. He would appeal to their lordships recollection as to the impressions of doubt, little short of despair, which pervaded many even of their lordships, when, with the vast accumulation of force which had been placed at his disposal, Massena first collected his formidable army on the frontiers of Portugal, and he would then ask them to contrast the despondence of that period with the well grounded confidence excited by the general result of the operations of the campaign, in order to form an adequate judgment of the transcendent merit of the illustrious general and of the eminent services of his gallant army. The ability which had been so conspicuously displayed by lord Wellington throughout every part of his career in the peninsular campaigns, had fully convinced the French government, that to succeed against such a commander required more than ordinary talents in the general opposed to him. Massena was therefore selected: Massena, the most fortunate of all the French generals, to repair the losses sustained by so many other French marshals, and an army was placed at his disposal, the largest that the means of France could collect; but as it was presumptuously anticipated fully competent to the complete reduction of the kingdom of Portugal by the speedy and effectual expulsion of the British army om that country. This French army as composed of a force so numerous, so ranged, and so appointed in every repect, as to render it a fit instrument nder the command of Massena, for the urpose of undertaking and accomplishing he extensive and long meditated expedion against Portugal. That expedition as not hastily undertaken; it was known be long under consideration, deliberately esolved on, in a high state of preparaon, and it was placed under the comand and direction of the ablest and most xpert commander France could boast of. The great and cardinal object of lord Wellington under these circumstances was t all events the defence of Portugal; which he was persuaded he could mainain against any force which it was proable that France would send; considerng Lisbon and its vicinity as the great pivot on which his system must turn, ortified as the positions there would be by the skill of our engineers, added to he local defences which nature had aleady made so strong. The foundation of the necessary works had been begun in the winter before last, and had been proceeded in and completed, tranquilly and nostentatiously: these works formed the great basis of the plan of defence. The British general was perfectly aware from he beginning, of the great importance of not hastily risking the safety of the gallant army under his command; and of looking for the defence of the country, not to measures which might probably succeed, but to measures founded upon a safe and prudent policy: by which he judged wisely, as the event had shewn, that success would finally be obtained. He wished, therefore, as long as possible, to keep the enemy on the frontiers, and defer their invasion to a later season of the year. In this view of the subject of defence there were two objects before him; the first, not hastily to risk the army; the second, the conviction that the security of Portugal depended on the hearty co-operation of the people, and the speedy equipment and discipline of the Portuguese troops. Much of the credit, success, and fame of the campaign must rest on a prudent policy; since it was well known, that a newly raised force would be most likely to take their future character from what they might prove to be on the first occasion of their being brought into action. If they were then successful, they were likely to maintain their reputation. Had he placed the Portuguese troops at first in a situation of fighting, unattended with local or other advantages, and had he been disappointed in the result, much time might have been required before the first unfavourable results could have been corrected. Thus, it might appear, when it was considered how large a proportion of lord Wellington's force was composed of Portuguese, that the prudent and defensive system was that which it was wise to adopt.—If their lordships would look at the nature and magnitude of the effort of the enemy, they would see that it bore no resemblance to some of those hasty and rapid armaments which had been made by France when engaged in war with different powers: but that, to invade Portugal, France, not at war with any of the powers of Europe, save the nations of the Peninsula, had deliberately prepared the means of invasion during seven months. To render the army perfect, the enemy had appointed one of the most able and successful of all his generals; nay so solicitous was he in this respect, that the best officers were brought from others of his armies, to act in subordinate capacities in the army of Massena. In short, it was a great, an immense effect of mature and anxious and deliberate preparation, under the ablest officers of France.

In the great view, however, which the British general took of the general objects of the campaign, and of the more immediate interests to which he was peculiarly bound to attend, he never lost sight of the propriety or policy of offensive warfare, should the opportunity occur with a rational chance of success. He never (as the enemy had chosen to assert) promised to relieve Ciudad Rodrigo. On that subject he communicated with the marquis de la Romana, who was perfectly convinced that lord Wellington's system was right. Lord Wellington had only said that if the Spaniards could make a great exertion, so as to draw off a considerable part of the French force, he would undertake offensive measures; but he added, that he should look to the campaign as a whole, and embark in no measure to which he was not adequate, or which would risk his army. By the mode of defence adopted, Ciudad Rodrigo did not surrender till the 31st of July; Almeida not till the 27th of August, and then prematurely and unexpectedly in consequence of an unfortunate accident, which was well known to all their lordships. Thus then it appeared that in consequence of the presence and position of the British army, the reduction of these two fortresses had been retarded from the middle of May, when the French army was assembled before Ciudad Rodrigo, to the 27th of August, when the accidental destruction of the magazine obliged the governor of Almeida to capitulate. So far therefore their lordships must perceive grounds of satisfaction, from the wisdom with which the operations, were concerted and carried on. Thus they saw armies, such as those which had overturned kingdoms in a month, balanced and stopped; war returning to its old course, and the enemy obliged to respect us, and to carry on his hostilities upon old principles. Lord Wellington, when they advanced into Portugal, made no stand against them but when there was the strongest prospect of success; when circumstances were of the most advantageous kind, and in which he could safely try and estimate the value of the Portuguese. The French took the north road of the Mondego. They must all recollect the attack they made with two divisions upon our advantageous position, where first lord Wellington had the opportunity of putting our allies to the test. He (lord Liverpool) had it from various officers who were eye-witnesses, that they could see no difference between the exertions of the Portuguese and those of the British soldiers. Thus, by the commander's judicious mode of conducting the campaign confidence was inspired into them; they acquired a just opinion of their own powers; and his lordship was enabled to see on what grounds his future measures might rest. He persevered however in his original plan of retiring to the neighbourhood of Lisbon; protracting his retreat, to give the inhabitants time to remove their effects, and with the ultimate view of delaying the invaders. He withdrew to the position, where he had before said that he felt he could contend for the defence of Portugal. Was not this position such as he described it to be?—capable of resisting an army of near 70,000 men, full of threats and menaces, and of sanguine expectations of success?—A few weeks served to shew that lord Wellington was right; and whatever difference there was in other points, as to result, yet the enemy's opinion here confirmed the British general's, as was clearly shewn by his not venturing on an attack. This plan of our general was an original one, and entirely his own. It was formed upon no former plan for the defence of that country; it was the result of his own excellent judgment, and was now sanctioned by the tribute paid to its merit by the conduct of the enemy himself.

When lord Wellington thus found himself in the execution of his own masterly plan, placed in his position at Torres Vedras, two distinct courses of conduct presented themselves to his consideration—whether, taking advantage of circumstances he should seize the earliest favourable opportunity to attack the enemy; or, availing himself of the impregnable strength of his position, he should leave to the slow but sure progress of scarcity, want and privations, to produce ultimately all the disastrous effects to the enemy that could result from their immediate signal defeat. And here it would not be doing justice to lord Wellington if he did not say, that if any unseasonable delay had occurred, it would not have been imputable to that general. He coolly and carefully examined the question of attacking the French, and wrote fully and fairly to him (lord Liverpool) his ideas on the subject. He had stated explicitly that he was perfectly satisfied that he could beat the French army; but that he must inevitably himself suffer a very considerable loss, since the features of the country, which made his own ground so strong, rendered the position of the enemy little inferior in strength; besides, the roads were broken up, and many other inconveniences existed. On the other hand, he thought as confidently that the same beneficial results could be procured by delay. He wrote therefore distinctly that he did not mean to move his army, to risk a battle in a place less advantageous than that which he had already proposed. The enemy's army, too, he further stated, could be relieved only by some calamity befalling that of the allies; and he did not judge it expedient to put the fate of the campaign on the issue of a battle, upon ground chosen by the foe. He (lord Liverpool) wrote to him in reply, directing him to pursue his own judgment; knowing, from experience, and from personal acquaintance, the value and correctness of that judgment, and that it would point out to him the true line of duty and the sound principle of action. The general wrote again to him, that as there was no other army in the peninsula to act against such an enemy as he had before him, the great sacrifice and loss that would be the consequence even of a successful attack, must be considered; but he had no doubt that final success would be attained by other measures, which appeared to him the only safe and wise ones to be adopted under all the circumstances of the case. Such was the general's previous opinion: and through the whole of the operations up to the retreat on the 5th of March there never was a moment at which he was not confident of the result by a small sacrifice and wise delay. When, therefore, he compared the just anticipation of the result of his well concerted measures with the full and faithful accomplishment of all his most confident expectations, he trusted that it would not be too much to assume their lordships' cordial assent to this general conclusion, that there never had been a plan of campaign, a series of operations more uniformly successful, or conducted with more manifest and decided skill and spirit. What, but a well-considered previous system, could have enabled him, in the enemy's retreat, to march after him 30 days together without intermission? If there were no other proof of his previous opinion respecting ultimate success, it was demonstrable from his readiness for the pursuit of Massena!—(Hear!)—The rear-guard of the enemy was conducted with great talents by a French marshal, but was closely followed by us, till, at length, with trifling loss, our army had arrived on the spot where it stood last year, in high spirits and in high condition. It would be a waste of time to enlarge upon the importance of the service thus rendered to the common cause, and the credit due for it to the general. We had now an army inured to war, which had seen it in all its shapes; not only in battles and victories, but in the patient endurance of retreats, and the steadiness and experience acquired by remaining for months in particular positions. This campaign had also shewn us that we had a general equal to the best examples of modern warfare. It had formerly been said by the French, of a celebrated general of ours, when speaking of his great successes against them, that he lived in days when the greatest French generals were either dead or not employed. They could not say this of lord Wellington. It had been his fortune to be opposed to almost all the first generals of France: generals whose career of successes had made their names proverbial. He had first met and beaten Junot—he had beaten Soult—he had beaten Victor—he had beaten Jourdan—and now he had beaten Massena, whose name had risen the highest for familiarity with victory!

A noble earl (Grey) had said, on a former motion of Thanks (Barrosa), that it was the satisfaction and pride of the country to know, that in every situation in which British valour was placed, if the odds against us were not numerically too great to give a chance of victory, our success was certain, on sea or on shore. We now had not only a proof of our pre-eminent bravery, but likewise of our superior military skill and science. We knew our military prowess as a nation long before we understood our maritime value. In the days of the duke of Marlborough, our military fame shone forth with distinguished lustre. In more recent periods, circumstances indeed had induced us to attend more to maritime affairs; and while almost all the continent of Europe was sinking in ruin, our successes at sea had surpassed all the naval glories that had ever been attained. When, however, the peninsula rose in arms against its oppressors, and seemed to many to furnish a most favourable opportunity of resisting the general enemy, we had given our vigorous and willing assistance, and had again met the struggle in extended military warfare. The event had clearly shewn us the value of our military character. He recollected an observation made by a gentleman now no more, of whom he could never speak without respect, from his admiration of his talents and his virtues, on the occasion of the victory in Egypt: "I have no fear," said he, "for the British troops, when opposed fairly to the enemy. All they want," he added (alluding to a practice to which he was a little partial) "is a clear stage, and no favour!"

It had been formerly objected to the probability of our defending Portugal with success, that we should be met by the accumulated means of France. We had so been met, at a time, too, when she was not at war with other powers. Their lordships knew the magnitude of the effort she had made, and had seen the triumph of British valour, science, skill and perseverance. The result must shew what may be done when a people are determined to resist their invaders. The loss of the peninsula he should deeply regret, as he must regret the failure of the efforts of any people desirous of preserving their independence. The result, he trusted, would shew, as far at least as Portugal was concerned, what a nation, animated by a right spirit, could effect, although for years past unaccustomed to war, and deprived of all advantage of military experience. If ever this country should be doomed to be the theatre of war, we might learn from the privations, sufferings and sacrifices of the Portuguese nation, what we owed to ourselves. We suffered, indeed, from the inevitable evils of a state of hostilities; but we were yet free from all the worst evils of war. If the measures which had been so successfully adopted in Portugal had been the result of a wise calculation, and had been connected with a pure spirit of philanthropy, so were they also the cheapest and easiest mode of defending our own country, and of securing to us those blessings we yet peculiarly enjoy. He should not farther trespass on their lordships' attention, but conclude with moving, "That the Thanks of their lordships be given to lieut. gen. lord viscount Wellington, for the ability, fortitude and perseverance, which he had displayed in the important services he had performed, in the defence of Portugal against the enemy."

The motion being made, and the question put,

Earl *Grey* rose, and said, that the motion of the noble lord had his most entire and full assent; and though the noble lord, in the course of his speech, had omitted nothing that could illustrate the nature and extent of the services that had been performed, yet he could not sit silent on the occasion, impressed as he was with feelings of gratitude and admiration towards that great commander who was the subject of this vote, and deriving a just national pride from the consideration, that the honour of the country had been so greatly exalted by the conduct of that distinguished general and his brave army. There were also additional motives of imperative force and of a nature personal to himself, which induced him to feel anxious to follow the noble earl and to second the present motion. In proportion to the pain which he felt in withholding his assent to the vote of thanks on a former occasion, was the pleasure which he now experienced in contributing his mite of approbation for services, as to the merits and effects of which there could be n doubt, and which indeed could hardly b too highly appreciated. The noble lor had with his usual ability done ampl justice to the merit of lord Wellington, and to the bravery of the troop which he commanded. He had listene to the speech of that noble lord with th sincerest pleasure; and his thanks wer particularly due to him for the candou which he had displayed, on this, as o every similar occasion, in avoiding th introduction of any invidious topics, an omitting all allusion to any of those forme differences of opinion, which might hav tended to interrupt the unanimity tha ought to prevail on such an occasion. There was one point, however, on which on that occasion he (lord Grey) felt it impossible to be silent; and that was, the apparent contrast, or contradiction, a some might call it, between the sentiment which he had now delivered, and the opinions which he had expressed on former occasions, when the nature and policy o the campaign in Portugal were the subject of discussion. He was ready to acknowledge, that on the invasion of Portugal by the French armies, and in the course of their progress, he did anticipate a very different issue to the campaign from that which had since happily taken place. Whether the grounds upon which he had formed that opinion were just or defensible—whether the reasons and considerations which induced him to come to such a conclusion were well or ill founded, had more or less the appearance of probability to support them—whether in the eye of prudence or upon any principle of policy they might or might not be susceptible of justification, he did not mean then to inquire. It was enough to say that they were at the time his conscientious opinions. He had in the present instance a much more agreeable task to perform in expressing the great and signal satisfaction he felt, that the event had not corresponded with the fears which he felt, nor confirmed the anticipations which pressed upon his mind.

To their lordships, and to the public, this explanation might be of no importance; to himself however, and to his own character, he felt such an explanation not only due, but of consequence; and he trusted their lordships would do him the justice to believe, that the opinions which he had formerly delivered, though now happily contradicted by the event, were at least the sincere and honest dictates o s mind, taken up from no illiberal or in- dious feeling. He had now no hesita- on to qualify and retract them; and this ry circumstance, perhaps, gave a value his vote on the present occasion, which ould render it probably not less grateful him who was its object, and which ould not otherwise have belonged to it, d he been one of those who anticipated ccess from the greatness of the means at were employed to attain it. Those o looked forward to success at all pe- ods of the campaign were bound to ac- owledge the valour and consummate ill of the commander of the allied forces; t that acknowledgment was still more ply due from those who, like himself, d conceive the difficulties in which lord ellington was placed, to be such, as to reaten him and his army with the great- t danger, and greatly to diminish the opes of a successful issue. This was the ly use he wished to make of those re- llections and allusions, which only served exalt in his mind the character of this nsummate commander, and to heighten s gratitude for that transcendent skill d valour which had surmounted such rmidable difficulties.

After the faithful and able detail, which eir lordships had just heard of the nature, e character, the operations and events of e campaign, it was not his intention to etain the House by a repetition of the ell merited eulogium to which they ad all listened with so much satisfac- on. He should only say, that upon the hole it appeared manifest, that by the ost exemplary and patient perseverance nder unfavourable circumstances, and at e moment of action by the skilful com- ination of force and the most determined ourage, a great success had been achiev- d, and as much honour done to the Bri- sh army as any victory could have ac- omplished. The success itself was great- y enhanced by the small amount of blood- hed with which it was attained. Had he French army been defeated in a great attle with the loss of 20 or 25,000 men, hich might perhaps be nearly the amount f their losses in the retreat, such a vic- ory could not have been obtained without heavy expenditure of British blood. In e midst of our rejoicings on such an vent, there must have been many mourn- gs; but the enemy had now sustained a ss equal to that which a great victory ould have inflicted, and that at a small xpence on the part of the allied army. It was to him, as it must be to all their lordships, therefore a source of the highest satisfaction, that so much had been achieved, and yet that British blood, so valuable at all times, had been spared. (Hear).

There was one topic however to which he could not advert without great pain, and that was, the miseries that had been inflicted on the unfortunate inhabitants of Portugal by their merciless invaders. Calamity was inseparable from war; and, above all, from a defensive war, where the enemy had penetrated into the heart of the country. The dwellings, and the means of the people, would be made subservient to the purposes of the invader; but to our general, no blame was ascribable for adopting measures, which, though painful in themselves, were very necessary for the ultimate expulsion of the enemy. The miseries which the French had inflicted in their retreat, were, from all concurrent accounts, sufficient to harrow up the feelings of every humane spirit; and he trusted, that as to lord Wellington the Portuguese were indebted for the expulsion of their enemies, so to his provident cares they would also be indebted for much alleviation of their misfortunes. From the language held by ministers, he trusted that Portugal was perfectly secure, at least for the present; that no apprehension was to be entertained for sir W. Beresford and his army; and that the speedy fall of Badajoz might be firmly anticipated. In this light the expulsion of the French army was to be regarded as a circumstance of the proudest nature, and most worthy of the cordial thanks of the House—the greatest reward which they had to bestow.

Great and important, however, as the deliverance of Portugal was, even that might prove only a temporary advantage; but the moral influence of such a distinguished advantage upon the minds of the enemy's forces must be very considerable, while on those of our own troops its effects must be incalculably beneficial.—From the proud and well-earned confidence, that we possess commanders able to cope with and to defeat the "spoiled children" of victory, we derived a security against any efforts that may be more immediately directed against ourselves. But at the same time that he made this observation he must caution the House against thinking that there was no ground for future apprehension. He knew not what diversion might arise of the enemy's force from troubles in Holland, or from war in the North of Europe; with prospects of diversion in those quarters, he was not acquainted: but when he considered what effect this marked repulse must have on the revengeful passions of our enemy, and how much his reputation was at stake in repairing his losses, we ought to be prepared for seeing still greater efforts made by him; and if we continued to be left as principals in the war of the Peninsula, he much doubted, still, the chances of our being ultimately successful.—There must be very different exertions made from what we had witnessed on the part of the Spaniards, to enable us to entertain a rational hope that the independence of the Peninsula would or could be finally established. The present was a propitious interval for exciting Spain to combined and vigorous efforts, and should be improved by ministers for that purpose, particularly when the gallantry and good conduct of the Portuguese troops had pointed out the very mode in which this interval may be turned to the best advantage. It was a duty incumbent on ministers and on parliament to take care, lest through timidity, imbecility, or corruption in any quarter, all our sacrifices should be rendered useless, and should only tend to sap the foundations of our own powerin the time of our utmost need. Upon the whole, for the services of lord Wellington he felt that the utmost gratitude was due; and he would not detain their lordships farther than by expressing his cordial acquiescence in the vote of thanks, which he regarded as the highest honour the House could confer, and which should always be reserved for occasions of splendid merit like the present.

Lord *Suffolk* said a few words on the question.

The motion was then agreed to *nem. dis.* Lord Liverpool then moved a vote of thanks to sir W. Beresford, and the other generals and officers in both armies, with a Resolution, That the House do highly approve of the bravery and good conduct of the non-commissioned officers and privates, belonging to the same. Both motions were agreed to *nem. dis.*

HOUSE OF COMMONS,

Friday, April 26.

VOTE OF THANKS TO LORD WELLINGTON AND THE BRITISH AND PORTUGUESE ARMIES.]. The *Chancellor of the Exchequer,* in pursuance of his previous notice, rose and addressed the Speaker to the following effect: Mr. Speaker; It is the misfortune of a person holding the official situation which I have now the honour to fill, not unfrequently to find himself under the necessity of submitting to the consideration of this House, various measures which it is as unpleasant for him to propose, as it is for the House to adopt. In a state of war such propositions are multiplied in proportion to the duration and extent of the contest, and to the burthens which it becomes necessary in consequence of its continuance to impose on the country. But the same state of war is not unfrequently also productive of propositions of a very different nature, of propositions the most pleasing that any man can be called upon to make to such an assembly. It is in the situation, Sir, to which I have last alluded, that I now conceive myself to stand. When an opportunity occurs to recommend to the approbation and gratitude of parliament the distinguished exertions of our naval or military forces, to point out brilliant instances of individual or collective merit, and to dwell with equal pride and exultation on the advantageous results which may fairly be expected from such gallant achievements, all are prepared to sympathize with the individual on whom the delightful task devolves, and to share with him in the general feeling of gratification.

Sir, the case to which it is now my duty to call the attention of the House in bringing forward the motion of which I have in a former night given notice, is one which furnishes as many circumstances of pleasing and animating contemplation, as can well be conceived to be united in a single instance. I am not aware that the merits of any previous campaign recorded in the page of history, can be said to have exceeded the merits of the late compaign in Portugal. Whether we contemplate the wisdom with which the plan of that campaign was conceived, the success which has attended its execution, the glorious prospect which the result opens to the world, or above all, the little loss which remains to be set against so great a gain, I believe that there has scarcely ever occurred an event which warranted such unqualified applause, or excited such just and well founded exultation. I am induced to particularize the comparatively small loss with which this great gain has been accomplished; beause I am persuaded we all feel that here have been many occasions—occasions n which the approbation of parliament as been justly bestowed—in which the plendour of victory has been darkened y the melancholy resulting from the ontemplation of attending sacrifices and fflicting losses. In the recent instances : Talavera and Barrosa, glorious as were hose battles, the mind was compelled to well with pain on the number of valuale lives by which the glory redounding om them was purchased. This is a ntiment, Sir, which does not in the ast abate our sense of the merit of hose gallant achievements, although it revents us from considering them as appily as we can the instance before s, with a feeling of unmingled and unssayed satisfaction. I will call to the ecollection of the House one of the ost distinguished victories on our naval nnals, the battle of Trafalgar.—I will apeal to gentlemen, if they do not well emember, that, on the receipt of the inelligence of that most glorious victory, here was not a suspension in the public ind whether to consider it as an event f joy or of grief—a doubt whether the xtraordinary advantages which the counry derived from the occurrence were ot counterbalanced by the loss of Nelon and the brave men who fell with him! am satisfied, that if the question had een put to the nation, whether they ould agree to efface that day from our istory, on the condition of recovering hose to whom the glory of it was attriutable, many voices would have declared or relinquishing the victory, if by so oing the victors could be redeemed. I o not mean to contend that such a sentiment is politically correct, however it nay be honourable to those who entertain it. All I contend is, that such a sentiment does exist, and that it will continue to exist; and I will add that it is a sentiment so connected with the best feelings of our nature, that I should hesitate long before I ventured decidedly to condemn it. Little of this sentiment, however, can mingle with our feelings on the present occasion, free as it almost entirely is from every circumstance which could damp our joy or restrain our gratulation.

I trust, Sir, the House will do me the justice to belive ethat it is not my intention to attempt to enter into any detailed statement of the campaign; but I conceive that it is due to my lord Wellington distinctly to recollect, that while we attribute to his skill, activity, and unexampled exertion, the extent of the success which we have gained, we must do justice to the caution, moderation, forbearance, regard for the lives of his soldiers—and above all, to that enlightened foresight by which, at the commencement of the campaign, he anticipated its close. I say, Sir, we must to all these great qualities ascribe the comparatively small loss by which that success has been purchased. I repeat that it is not my intention to enter into a detail of the campaign. Such a task is perfectly out of the reach of my powers, and indeed of the powers of any one at present. It must be left to the future historian, by whom alone can that full justice be done to lord Wellington which his merits demand. At the same time the objects which lord Wellington had it in view to accomplish, and the means confided to him for the accomplishment of those objects, it may very naturally be expected I should briefly describe to the House, in order to enable them in some degree, however imperfectly, to appreciate the importance and the value of recent events. It is not for us now to consider the wisdom of defending the Peninsula in one way or in another. We are not to inquire whether it was expedient that we should apply our military force for that purpose, in the aggregate, rather than in separate bodies—or whether it was wise to chuse Portugal as the spot on which to contend with France. All these considerations are unconnected with the present question. The defence of Portugal having been confided to lord Wellington, his merits must be estimated by the way in which he has executed the trust reposed in him, and can depend in no degree upon the expediency or inexpediency of the original plans at home. From this observation, however, I must make a simple exception, namely, that I have a right to call on those who formerly declared that the measures of government in this respect were most unwise and against all rational calculations of a successful result, most readily and warmly to applaud my lord Wellington for having overcome difficulties which they proclaimed to be insuperable.

Sir; it was well known to lord Wellington, when he took the command of the army in Portugal, that it was the object and the wish of the government in this country that he should consider the immediate liberation and eventual defence of Portugal as the great and primary object of his attention. He knew that for that purpose there was confided to him a large portion of the military force of this country—a portion, indeed, too large to be lightly hazarded. He knew, also, that as additional means of effecting his object he had the population of Portugal, which, however, it was necessary to organize, train and discipline, before it could be available in a common effort. Lord Wellington had therefore maturely and deliberately considered the best mode by which Portugal could be defended. I think it right, Sir, to state, that it never entered into his contemplation to imagine that if Portugal were attacked by a large and imposing force, he should be able to effect any thing like a complete defence of that country on the frontier: but that he always contended, as he always thought, that in such a case Portugal must be defended, where it actually was defended, in the lines and fastnesses of Lisbon. I may be asked, however, why then all the trouble and expence of carrying the British army to the frontier? The reason is obvious. To gain time for disciplining the Portuguese army—to gain time for the purpose of obtaining reinforcements from this country, and from other parts of the world. Lord Wellington had also in this view the importance by delay, of increasing the difficulties under which the enemy must labour in maintaining a great number of troops in the seat of war. By waiting on the frontier, he secured the certainty that no attack could be made on Portugal, but by an army so numerous, as, on that account, speedily and sensibly to operate on its own resources; and such was the event. While, however, lord Wellington was defending Portugal on the banks of the Coa, he was fortifying Lisbon on the banks of the Tagus. While keeping the enemy off the frontiers, he was strengthening the heart of Portugal. At length, finding it necessary to retire, he did retire to Lisbon. I say this, Sir, to obviate a most unfair criticism which has been made on the campaign, namely, that the result was accidental: that although it was a subject of congratulation, it was an occurrence which could never have been reasonably expected.

Now, Sir, nothing can be more unjust. If there be any thing certain in the whole history of the campaign, it is that my lord Wellington distinctly calculated on the difficulty which the French would feel in maintaining there large army before Lisbon for such a length of time as would enable them to force his works their. Whatever may be said of other military opinions, that of lord Wellington has been completely justified by the event. I will read to the House extracts from two dispatches written by lord Wellington, after he retired from the frontiers, in order that they may judge of the accuracy of my statement:—In the first dispatch, dated Cartaxo, Dec. 1, his lordship says, "I do not propose making any movement by which I may incur the risk of bringing on an action on less advantageous ground than that which I at present possess.—The enemy can be relieved from their difficulties only by the occurrence of some misfortune to the allied army, and I should therefore facilitate their object, were I, instead of remaining on the ground which I have selected, to move to that which has been selected by them."* The other dispatch is dated Dec. 29. After describing the relative situation of the armies, lord Wellington goes on to observe, "Under these circumstances, having such an enemy to contend with, knowing that there is no army in Portugal capable of contending with that enemy but my own, and feeling that even success in an attack, if accompanied with great loss, would occasion the ruin of the cause of the allies, I shall persevere in the system which I have hitherto pursued, and which I hope will end in the defeat of the enemy's object. Part of Portugal will unquestionably suffer: but much as this is to be lamented, it is better that a part should suffer than that all should be lost. On the whole, I entertain no doubt of the final success of the measures I am carrying on; and I am certain that they are the only means which can be entirely successful."—(Hear, hear, hear!)

Such, Sir, were the sentiments at that period, entertained by lord Wellington as to the existing circumstances and anticipated issue of the campaign. When, therefore, Sir, it is said, "that we ought to bless our stars and hold our tongue," I cannot follow the advice. I thank my God, but I cannot hold my tongue. I must proclaim to this House, to the country, and to the world, the merits of that illustrious man who has been the instrument under Providence of effecting this eat good.—I abstain from dwelling parularly on the succession of gallant acons, which have been fought by our rave troops, from the battle of Barrosa the last brilliant achievement on the anks of the Coa, by colonel Beckwith, st, in my attempt at enumerating those hich ought to be distinguished (fought as ey have been, day after day), I should mit many justly intitled to applause. ut I must beg the indulgence of a few inutes, for the purpose of adverting to he actual advantages which we may conider as derived from the campaign in ortugal. I shall consider those advantages s they affect our allies, ourselves, the nemy, and the rest of the world.

And first, with respect to our allies, here can be no doubt that the direct effect of the campaign, in having employed o large a force originally intended for heir subjugation, has been materially beeficial. It has, at least, given them an dditional year in which to struggle for heir independence, and it has afforded hem an example of what they may effect y a strict attention to discipline. The dvantages derived to ourselves by the result of the campaign are by no means nconsiderable. This country, Sir, may be considered as divided into two opinions with respect to its own power and prosperity. Those who have thought that Great Britain never stood higher in those points, are gratified at seeing their opinion confirmed. Those, on the contrary, who have entertained the desponding idea that the sun of British glory was for ever set, must now congratulate themselves and the country on the proof that our military character never stood so high as at the present moment. To them the recent occurrences must be infinitely more gratifying than to us, who were more sanguine on the subject. No longer can any fears remain, that should the French seek our shores, we should not be able to meet them. We have a British army, composed of a general who has out-generalled theirs, and troops by whom their troops have been subdued.

As to the effect of this campaign on the enemy, what his feelings must be, after all his boasts and threats against the British army, may be easily conceived. What the effects may be internally on France, I will not pretend to predict. How far their discomfiture in Portugal may put an end to the delusion, that extent of dominion is extent of strength—how far it may open the eyes of the French to the intolerable and disgraceful tyranny by which they are at present oppressed, future events will disclose. With regard to the rest of the world—to Europe it will be an useful lesson, pointing out the only road to security. I avoid saying any thing on the probable effect which our success may have in another part of the world, but I cannot close my mind to the expectation of an impression being made by it in the highest degree favourable to the interests of this country. Sir, it was impossible to suppose that it could be the divine intention of Providence long to permit the continuance of that system of oppression and usurpation under which Europe has so long groaned. It may, perhaps, not be presumptuous in us to hope that we may be the instruments of delivering the world from its thraldom. It is not impossible in the dispensations of Providence, but that in that very peninsula in which the tyranny of France has been so cruelly manifested, she may receive her death-wound if not her grave.—But to revert to that which is our present business, namely, to give our thanks and applause to those who have put us in such a situation to talk this language. All we can do on this occasion is only the commencement of my lord Wellington's glory. For, as long as a vestige of the present eventful times remain on record—as long as it shall be congenial to the heart of man to be gratified with military glory acquired not in extending the ambitious projects of a tyrant, but in resisting tyranny and defending the oppressed—as long as execration shall follow the contemplation of violence and injustice—as long as praise shall be deemed due to the most zealous and patriotic exertions in a righteous cause—so long shall the character of lord Wellington be venerated by posterity, and be embalmed in the memory and gratitude of mankind. I move, Sir, "That the Thanks of this House be given to lieutenant-general lord viscount Wellington, for the consummate ability, fortitude, and perseverance, displayed by him in the command of the British and Portuguese forces, by which the kingdom of Portugal has been successfully defended, and the most signal and important services rendered to his King and country."

Mr. Canning and lord Milton rose together, but Mr. Canning having first caught the Speaker's eye, lord Milton gave way.

Mr. *Canning* then said, that, in rising to second the motion of his right hon. friend, he felt some difficulty in deciding whether he should content himself with merely seconding the motion, leaving to the House the impression which the speech of his right hon. friend had made, and which indeed the contemplation of the question was calculated to produce, or preface the declaration of such intention by the expression of his sentiment upon the subject to which the motion referred. In the situation in which he was placed, he felt it equally difficult to decide whether to speak, or to be silent. To speak, because he could but imperfectly echo the sentiments which the House had just heard, and in which all must concur; to be silent, because strongly as he felt those sentiments in his own breast it was almost impossible to repress the declaration of them. There was one consideration independent of general impulse, which, however, induced him to trouble the House. This was the advantage alluded to in the latter part of his right hon. friend's speech, which this country must derive from a just contemplation of its situation, as well as of the means by which it had been brought into that situation, and of the benefits that were likely to result from it. One of the main consequences of that situation was, that, in deciding upon the question then under their consideration, they were relieved from all the difficulties which usually attended such votes. Engaged as the country was in a contest of such magnitude and extent, it seldom happened that unanimity was to be expected —that the merits of the service to be remunerated appeared to all persons in the same light—or that it was felt unnecessary, more or less, to compare the means with the end—the exertion with the effect. Whenever upon any occasion a failure unfortunately took place, every particular was uniformly inquired into, every action examined, every measure weighed, every probability canvassed, and the absolute necessity of failure finally and clearly demonstrated. All this usually took place after the result was known, and when the test of experience removed every difficulty of judgment, and the event itself furnished the means of an unerring decision upon the measures which may have been resorted to. Whenever, on the contrary, success was brought under the consideration of parliament, the debate was generally ushered in by deprecating all discussions of the events or measures which may have preceded the particular service to which the attention of parliament may be called, and by insulating the object, to which the Vote of Thanks called for applied; whilst those even who acquiesced in the vote, felt it necessary to keep out of sight every thing which might have preceded the particular service. This was quite a natural practice. There were many actions which, whatever may have been the character of the system of measures that led to them, could best be made a subject of discussion upon the splendour of their own intrinsic merits.

But was the question then under consideration the case of insulated action in a series of operations, or even of a single campaign of a war brilliantly terminated! Notwithstanding all that his right hon. friend had said, of forbearance as to the introduction of other topics into the discussion, he must be permitted to say, that this was not the case of a single signal action, or of an isolated or occasional acquisition of glory: it was, he should contend, the fruit of two years exertion—of the application, during that period, of an understanding of the first order, combined with military talents scarcely ever equalled in history, to a state of difficulty unparalleled, and crowned with exemplary success. He considered this state of things, therefore, which they were about to honour with their thanks, not as the consequence of one campaign, but as the result of the labour of two years. He looked upon lord Wellington, in the accomplishment of the success he had achieved, as the instrument in the hands of Providence for the deliverance of Portugal. But when contemplating the merits of lord Wellington's services in Portugal, he could not look to the evacuation of that country by the French as a military act, without reference to the means by which that desirable event had been effected; and while the end was so well deserving of the applause of that House, and the approbation of the country, he must contend, that the means employed for bringing it about were no less entitled to credit and commemoration.

His right hon. friend had adverted to the effect which this state of affairs would have upon ourselves, upon our allies, upon our enemies, and upon the rest of Europe; and with his right hon. friend, he was ready to concur that the effect must be considerable with respect to all. To look, first, to the effect it would have upon our-

ves, he would ask, whether, when two
rs ago we had taken the resolution to
ke our stand in Portugal, when we de-
mined to make that country the theatre
our struggle with France—the question
s not considered doubtful, how far we
ght be able to maintain the contest?
hether those, even, who thought suc-
s attainable, did not feel that it was still
uestion of doubt? But, when the deter-
ation was formed, those who looked to
contest with confidence, took the most
ectual means of realizing their sanguine
pes, by the selection of a man to con-
ct the operations, whose natural genius
d military experience insured the ac-
mplishment of all that was attainable by
man sagacity—who, wisely calculating
means, and deliberately comparing
em with the end he was to accomplish,
uld take every necessary measure to
sure it.

How could the House sufficiently ap-
eciate his merits, when they followed
n from the fatigues of the day to repose
his tent; and contemplated his feeling
hilst looking for consolation from home
der his laborious duties—when instead
consolation, he found accusation—in-
ead of encouragement, misrepresentation
d obloquy—when he found all his
ngers magnified, and all the means of
e enemy uniformly exaggerated—when
ery one of his measures was traced to
merity or compulsion, and all the move-
ents of the enemy to wisdom and military
ill? When they took all this into their
nsideration, it was impossible not to
nceive what his feelings must necessa-
ly have been, and not to ascribe his
ady and unaltered perseverance in the
an he had previously laid to its final and
lorious accomplishment, to real magna-
mity and true valour. Whilst exposed
such misrepresentations, he never
eigned to notice any of the unfounded
atements he saw published upon the
bject: he determined not to reply to
hem in words, but to let the result put the
alumnies and calumniators to shame.
uring this time he saw all his plans ri-
ening into maturity; and steadily pro-
ecuting his purpose, he forbore, through-
ut the whole of his correspondence, from
ntroducing one word expressive of dis-
ontent. If there was any thing which
ould not be contemplated without admi-
ation, it was the case of a man exposed to
uch misrepresentation, and yet disdaining
o indulge in any expressions of his feelings; deliberately and successsively charged with the two most opposite feelings of a general temerity and procrastination, and yet calmly and steadily pursuing that wise and salutary course which had brought his country to that happy state, when parliament could look back without regret or look forward with hope, and when consequently gentlemen were at length enabled to discuss the question with very considerable advantages.

His right hon. friend had in his mind very justly adverted to opinions, which had divided, and fairly divided, the country, as to whether the strength and resources of this country, were equal to maintain the contest in the Peninsula against France—whether we could bring our military means, with any prospect of success, into competition with those of the enemy—whether our strength was not necessarily confined to one element—in short whether some eternal fate by some fixed and irrevocable decree had not separated the trident from the sword? He did not think with those who inclined to distrust the military means of this country; but rather leaned to those who thought that this country should either become a great military power, or a vassal of France. She had then become at length a great military power, not against the hopes certainly, but against the fears of those, who had doubted of her sufficiency. Others were of opinion, that we ought not to engage as principals in a war on the continent, but the vote of that day would, he trusted, bring that question home to the House: a question from which they could not escape. With all the right, which we had, to demand the confidence of Portugal, to require her co-operation, and to control her military resources, would it have been proper in us to incite Portugal to war, and to decline sharing in its difficulties or dangers? Those who thought that we should not act as principals, were as it appeared of opinion that our assistance should have been given by desultory expeditions; by supplies of arms, provisions, and ammunition. But expeditions for making descents included re-embarkations; and thus, as often as our expeditions re-embarked, we should leave as many victims behind as we should induce to co-operate with us; and should expose to destruction all those whom we should drive to an unavailing resistance to that overwhelming power which we should not think we could ourselves meet in safety. Could any man think that we ought to desert those who implored our protection, who might be stretching forth their arms to grasp our swords, and anxious to place themselves under the shelter of our power?

But this country had acted upon no such opinion; we became principals in the war, and what had been the result? We carried on our war in Portugal, we had brought our army to a state of efficiency competent to meet the enemy if he should invade us, and enabling us to daunt him to the attempt: this alone was sufficient to entitle lord Wellington to the thanks of the House and of the country. As to the effect the result of the campaign would have upon our present or any future allies, he could not suppose it inconsiderable. His right hon. friend had adverted to the effect it might have upon the other nations of Europe: he hoped, that any such effect would not operate too soon, and that we should still be left to contend with the French—the world the prize, and the witness of our exertions. He trusted that no attempt would be made to urge any part of Europe to a premature effort, such as had too often been the case; and he would own, he had not heard with unmixed satisfaction the rumours respecting probable convulsions on the continent which were afloat, but which he hoped were not authorised. If any resistance were to be given to France, he wished it to be upon a conviction that the nations rose in their own cause—because their oppression was intolerable—because they preferred the risk of annihilation to the certainty and severity of subjection. He feared another Wagram or Auerstadt; and, in his opinion, too sudden a rising would be easily put down, and only tend ultimately to confirm the subjugation of the continent. He wished the nations of Europe to abstain from resistance till France should be more humbled, and their own sufferings should urge them to a last great desperate effort. With respect to the other part of the Peninsula, he hoped the result would be, that it would place itself under the same guidance; but that nothing ought to be said, either here or in Spain, to precipitate the measure. Lord Wellington, he was sure, by the same wise, temperate, sage, and conciliating counsels, would achieve the same successes, wherever he should carry the arms or the glories of his country. Having two years ago taken upon himself the responsibility for the rashness or the wisdom the measures which led to this deliveran of Portugal, he should not now do h duty, if he had omitted to express his a probation of the manner in which the had been followed up; if he had not pa the tribute of his applause to those wh had persevered in that system. Th tribute was not extorted from him by su cess; he had stated the same opinio whilst the issue was yet doubtful, and r failure could have induced him to alt them. The right hon. gent. conclud by seconding the motion.

General *Tarleton* observed, that a gre part of the speech of the right hon. gen who had just sat down, would apply to th question upon the army extraordinari which was to come on after this discussio but did not apply to the question then be fore the House. With respect to th motion of the right hon. gent., no man i the army, or in England he should sa could rejoice more heartily than he did, i the success of his Majesty's arms. H concurred most cordially in this vote thanks. He had on a former occasion op posed a vote of thanks for the battle Talavera; but to this vote he should giv his entire assent. He was not surprise at any thing that could be achieved b English courage, Irish spirit, and Scotc intrepidity. An army composed of suc materials must be irresistible. He coul have wished that this vote of thanks ha been reserved till after the fall of Almeida but that should not make him object t the vote. Still he entertained the opinion he formerly expressed, and considered th system as not judicious. If Buonapart should not make some great efforts to re trieve his losses, his imperial throne woul be shaken; his iron crown would, with it weight, gall his own head, and the king o Italy be an outcast from his cradle. Bu the affairs of the war were not yet finished He trusted that lord Wellington would b successful in making the Peninsula rall round him, and Europe make an effort fo her deliverance. No honours that th crown could bestow would be too grea for him.

General *Ferguson* observed, there ap peared but one sentiment in the House with respect to the merits of lord Welling ton and his gallant army. He could no for a moment think that any praise of hi would add to the fame of that noble lor Of Lord Wellington, he had never had bu one opinion, and the consequence wa igh his brilliant actions gave pleasure, y were not with him a matter of sure. With such feelings, he could only , that he most heartily concurred in motion.

Lord G. Grenville said that he should e regretted the subject of this night's cussion having gone to a vote without having had an opportunity of dering how heartily he concurred both the vote of thanks proposed from the er side of the House, and in every exssion of admiration for the conduct of l Wellington and the army under his nmand, which had characterised the eches of the gentlemen who had preled him. It was not, he trusted, alone m the individual attachment he bore to character of the gallant and distinished officer in question that he was xious to give the motion his warm surt, but from a general conviction that vote of the House, as now proposed to ss, is the reward of all others the fittest rhaps to be paid to an officer, placed in h a situation as that noble lord, with a nd and feelings calculated like his to preciate its value, and for services which e his had so splendidly warranted its plication. It was from a conviction, t by withholding from officers who had served well of the State, so proud a stimony of praise and gratitude, they re depriving them of the purest inntive to ambition, the most honourable eed of merit, the applause of their untry! It is, said the noble lord, with easure that I turn to the contemplation lord Wellington's claims upon the graude of this House: and to discover the lidity of those claims, we need, I think, ly look to the state of the Peninsula, at e opening of the Portuguese campaign 1810, and compare it with its state at is moment, at what I trust we may date e conclusion of that campaign. Let us ok to that campaign itself, lord Welngton's claims are to be traced through ery movement of the allied army; let us ok to the present moment, his eulogy is ronounced in its event. In the beging of last year, we find lord Wellington olding the frontier line of Portugal, with s advance upon the Agueda, with a ritish army from many circumstances eakened in numbers and in health, and ith a considerable part of his operations epending on the exertions of a Portuse force, of which he then knew noing, but their want of discipline, of which he complains in his dispatches of that date. Opposed with such a force, to an enemy high in spirits and superior in numbers, do we find him left to those resources which an ardent mind, an unconquerable firmness, and a versatility of genius peculiar to himself could alone supply. He was left, too, entrusted with the defence of an extensive country, whose fidelity towards us was then very doubtful, and to whose fate the enemy had in a most unqualified manner pledged himself. And how have the objects and hopes of the enemy been realized? For from their lips lord Wellington's praises are best told. It is not, added the noble lord, my intention, by any attempt at a review of the late campaign, to weaken what has been so ably stated and commented upon on the other side of the House. Passing over, therefore, the whole of his retreat through a difficult country, and before a superior force, I turn with pleasure to a characteristic part of lord Wellington's policy as exemplified in the whole of his conduct subsequent to the sitting down of the French before his lines protecting Lisbon. I mean that system which enabled him to abstain from offensive operations, from the period of the appearance of the French before the lines, to the moment of their breaking up from Santarem. A system also peculiarly difficult and trying to the actively enthusiastic mind we know that gallant officer to possess. And what is the effect of that policy? The French army, broken in spirit and in resources, wasted by its own exertions, and unable to maintain the contest itself had begun; abandoning its high blown hopes of the possession and plunder of Lisbon, its boastful pledge, that the English should be driven, at the point of the bayonet, into the waves of the Tagus. But it is not to lord Wellington, as the asserter of the character so often before asserted, of the British soldier, it is not to lord Wellington as the man who has saved Portugal and has put to flight her invaders, alone that our thanks are due. On other, and perhaps, higher grounds, he is entitled to the gratitude of this House, of his country, and of Europe. Taught to look to the co-operation of a large national Portuguese force, as the only means by which the extensive scale of warfare on which he was entering, could be successfully maintained, lord Wellington found himself obliged instantly to organize an army, I believe I shall not be contradicted, if I say of the worst materials that could be selected. Of a peasantry, debased by long subjection to a weak and tyrannical government, and weighed down by constitutional indolence; of an aristocracy long deservedly become the jest and bye-word of all Europe. And how were these materials applied? On this perhaps no comment may be necessary when we see these very men not two years after opposed, and successfully opposed, to that force before which the well disciplined troops of Austria, of Russia, and of Prussia had been humbled to the dust.

Nor should we look to the general conduct of the last year's campaign, without observing that by the exertions of lord Wellington a *point d'appui* was afforded to the gallant but harrassed Spanish army at that time on the Guadiana. And would that it were still in our power to look to the operations of that force as conducted by the gallantry, as animated by the example, as connected with the name, of that deserving and lamented officer under whose command it was then found—I mean the Marquis de la Romana. That great man, however, is now no more! He closed his career in the active and virtuous discharge of those duties towards Spain, to which, as a politician and soldier, and as a patriot, the best exertions of his valuable life had been dedicated. And the affections and interests of that country, whose arms he had rescued abroad from prostitution to a foreign power, to whose public welfare he had sacrificed at home his private fortunes, and in whose service he has died; the affections and interests of that country, of the peninsula, and of Europe, join in mourning over his grave.—And now, Sir, allow me for a moment to consider another point, and, leaving the peninsula, to look to our own domestic security as promoted by the conduct of the late campaign under lord Wellington. It is well known that from the prevailing winds along the coasts of Gallicia and of Biscay, and in that part of the Atlantic, the ports of Lisbon, Oporto, Corunna, and Cadiz, become very much objects of attention, from being capable of furnishing at any moment means of attack upon, perhaps, our most vital and vulnerable point, Ireland. The force which might, and in all probability would, have been employed for that purpose in the course of last year, has been amply employed by lord Wellington, and the ports themselves rendered inapplicable to the purpose.—Upon all these groun then, upon the advantages we have reap from, and the gratitude we owe to lo Wellington for the conduct of the last ca paign, let not, I conjure the House, thanks be bestowed with a reluctant a niggardly consent. Let them be, as the should be, unanimous. Let it not be im putable to us, that, when the tongue Buonaparté himself is stripped of half i rancour, and when he even bears his un willing testimony to lord Wellington's m litary fame, that his country, that th British House of Commons is the last o gan to pronounce his praise. Let him no on his return to his native country, aft the malignancy of those who are cont nually his enemies, because the enemie of his country, is silenced, let him n find his fair fame tarnished by a conteste and half-willing Vote of Thanks.

Mr. *Ponsonby* observed, that in the vot proposed he most cordially concurre He thought that lord Wellington deserve the thanks of that House, and of the na tion. He was of opinion that the campaig was judiciously planned, and ably exe cuted; and that the result had not tende more to exalt the glory, than to insure th safety of the country.

The question was then put, and carrie *nem. con.* It was then resolved, *nem. con* "That this House doth highly approve o and acknowledge, the eminent and meri torious services uniformly performed by the general officers, officers, non-commissioned officers and soldiers of the British army, under the command of lieutenant-general lord viscount Wellington, during the late arduous and memorable operations in Portugal, by which additional lustre has been reflected on the reputation of the British arms.

"That this House doth highly acknowledge the zeal, discipline, and intrepidity, so conspicuously displayed by the general officers, officers, non-commissioned officers and soldiers of the Portuguese army, under the immediate command of field-marshal sir William Beresford, which have essentially contributed to the successful result of the late military operations."

Ordered, "That Mr. Speaker do communicate the said resolutions to lieut.-gen. lord viscount Wellington; and that lord viscount Wellington be desired to signify the same to the British and Portuguese armies, and thank them for their exemplary and gallant behaviour."

ARMY EXTRAORDINARIES.] The House nt into a Committee of Supply, to ich the Estimates of the Army Extra- dinaries were referred.

Mr. *Long* rose pursuant to notice, to opose a vote of 627,098*l.* 19*s.* 5*d.* to ake up the deficiency of the Army Ex- ordinaries between December 1809, and ecember 1810. When the circumstances ere considered, he trusted it would not thought wonderful that such a defi- ency had taken place. In conformity to e plan of the Chancellor of the Exche- er, he had endeavoured to make the ac- unts as clear and distinct as possible. he Army Estimates had lately been al- gether made up with more than usual curacy, and for that improvement great edit was due to the noble Secretary at ar. It was not to be expected, how- er, that the Estimates of the Army Ex- aordinaries should be perfectly accurate every point. They were, in their na- re, incapable of fixed estimate or abso- te certainty. He should be happy to ive any explanation that might be re- uired, but did not feel himself called pon to enter any further into the subject t present than to state, that considerable eductions were to be made from the sum hich appeared to have been applied to rmy Extraordinaries last year. In all here was about 1,407,000*l.* which ought be placed to the account of the Ordi- aries. He concluded by moving, "That sum, not exceeding 627,098*l.* 19*s.* 5*d.* e granted to his Majesty, towards defray- ng the extraordinary expences of the rmy incurred and paid from the 25th day f December 1809 to the 24th of Decem- er 1810, both inclusive, and not provided or by parliament."

After a few words from general Tarle- on and lord Palmerstone,

Mr. *Fremantle* rose to warn the House of he great expences attending the sytem ursued by ministers in the military de- artment. The army, he admitted, was o essentially serviceable, and had lately added so much to the glory and security of the country, that a large expenditure might naturally and necessarily be called for. But yet it was of great importance that all, and especially those who supported the projects of ministers, should be fully aware of the immense expence to which the great and increasing establishment of the army led. It appeared that since the ontest in Spain began, the army had cost this country 24,000,000*l.* per annum, exclusive of the ordnance. It was prudent, therefore, to consider how far the country could go on with this expenditure upon a system which afforded no prospect of material diminution. It had been stated in evidence on the Walcheren Expedition Inquiry, that the expence of 40,000 men on the other side of the channel was 300,000*l.* per month. In Portugal we had 60,000 British troops and 40,000 Portuguese in British pay; and at the rate above stated, the expence could not be less than a million per month. Of the policy of keeping an army there he said nothing. The country was now so deeply committed, that he did not see how the contest could be abandoned. But such was the expence; and he called upon ministers by every practicable means of economy, to diminish it if possible. He also noticed how much the expence was enhanced by the state of the exchange, which, as a member of the government had said, occasioned a loss of 30 per cent. in Portugal. The first lord of the Admiralty had admitted, too, that a loss to the same amount was sustained in the Mediterranean. He had voted for the thanks to lord Wellington. He did not wish the system under the present circumstances to be relinquished; but he was anxious it should be understood, that the expence was alarming.

The *Chancellor of the Exchequer* said, that, undoubtedly, in the late debate, if the hon. gent. acceded to his wish, he would have abstained, had he risen, from all comment on the original policy of the campaign. A good opportunity had now, however, arisen for the discussion of that subject, but still the hon. gent. continued silent. Professing, then, as he had done, his desire to discuss it, and not doing so when an opportunity offered, he could only infer, that the plan had met with his complete acquiescence, and that he had at length been convinced of its wisdom and its policy. He hoped that he might now conclude that the hon. gent. allowed the policy of the plan, and the propriety and importance of acting upon it. What was the practicable object of the hon. gentleman's warning to the country about the expence of the army? The hon. gent. declared the expence to be great: so did every person. Every one, also, allowed it to be necessary, and so did the hon. gent.; and here ended his "warning." The excess of this year's extraordinaries over those of last year was only 600,000*l.*

which must have been very reasonably expected. But even this would not have been the case, perhaps, had it not been for the very unfavourable state of exchange. He denied that any member of the government had said that the loss every hundred pounds which we sent abroad amounted to 30*l.* The assertion was, indeed, in his recollection, but it came from a right hon. gent. on the other side of the House; who, unfortunately not being a member of the government, could not have very authentic sources of information. The hon. gent. did not, however, it seems, wish to withdraw our troops from Portugal; he did not wish to do that which could alone diminish the expence. No; he thought the expence necessary to the country. Where, then, in the name of wonder, was the use of the "warning." No man regretted more than he did the expences entailed upon the country. Concurring, however, as he did with the hon. member, that though the expences were great, they were necessary, he must think it the duty of every man to exhort the country to bear them patiently, and not anticipate inconveniences which he trusted in God would never occur, but which, if they should occur, would carry with them the consolation that they were incurred in a just cause, and through unavoidable necessity.

Mr. *Fremantle*, in explanation, adverted to the statement of the first lord of the Admiralty, that there was a loss of 30 per cent. on the exchange in the Mediterranean. The right hon. gent. himself had admitted a loss of 20 per cent. in Portugal. He had distinctly stated, that his great object was to call the attention of the House to the immense expense resulting from the present system of military policy.

The Resolution was agreed to.

IRISH STAGE COACHES BILL.] Mr. *Foster* moved the committal of this Bill.

Mr. *Cooper* opposed the motion, and supported the former Bill which he himself had brought in.

Mr. *Barnard* also supported the Bill of last session, the beneficial effects of which, he said, had already been experienced, and considerable property was embarked in consequence thereof. He moved, as an amendment, That a Committee be appointed above stairs to enquire into the effects of the former Bill.

Mr. *Foster* contended, that it would be entirely inconsistent with the principles of justice, and the practice of parliament, to take away from individuals the right vested in them by an act of the Irish legislature; and maintained that the act of last session went to do this, and therefore should be repealed.

Mr. *Grattan* said, that this was a case of public interest, of honest public interest; and there were several petitions on the table against the proposed Bill, which involved considerations much more extended than seemed to be supposed. What was the object of this Bill? To restore double tolls, and to limit the number of outside passengers to three. This would be a measure seriously affecting the interest of individuals, and checking the progress of improvement. In every view of the subject, he thought it should go to a Committee above stairs, where they could ascertain the state of the tolls before the last session, and know what loss the proprietors had sustained by the act, for which they could receive compensation.

Mr. *W. Pole* said, he should only trouble the House with a few words upon this subject, which appeared to him to lie in the smallest compass.—With regard to the act which passed last session he assured the House, and he took shame to himself while he made the confession, that he never heard of it during its passage through the House. Whether the hon. gent. who brought it in had given notice of it or not, he did not know, but certainly he had never heard of it till it passed. The facts of the case he understood to be, that an act had been passed, upon the suggestion of lord Kilwarden and Mr. Wolfe, for continuing and extending the act of the 33d of the King, vesting the tolls upon the road between Limerick and Naas, and Dublin and Kilcullen, in certain persons for 50 years, on certain conditions. It had been found that great difficulties arose in keeping these roads in repair, and a considerable debt had been incurred; when certain gentlemen came forward, and offered to put the roads in repair, and to keep them so, and to take upon themselves the whole of the debt which had been incurred, provided the tolls and regulations then existing were continued for the term of 50 years. This act remained in force till last session, when an hon. gent. behind him brought in a bill to repeal it, and to deprive the persons alluded to of the rights which had been vested in them by the legislature.

This, he believed, was the first instance that ever occurred where parliament had deprived individuals of a vested right, without entering into some negociation with them, and determining what compensation they should receive. His right on. friend opposite had recommended hat they should go into a Committee, in order to ascertain what loss these individuals had sustained, but that was a measure that ought to have been adopted last session, before the vested rights of the individuals were taken away. If he had been aware last session of the Bill which was brought in, he should have said, if it is necessary that the existing act should be repealed, let it be repealed; but, in the first instance, you must make a compensation to those whose rights you are going to destroy. The rights which had been vested in these individuals were granted under such stipulations as rendered it impossible for them to do any injustice to the country: they were not only compelled to keep the roads in repair, and to take upon themselves all the existing debts, but they were bound in a penalty of 20,000*l.* to be recovered by a summary process in chancery, to make good their payments within a certain period. The gentleman, whose name was mentioned in the act (and who had not the same interest now that he had when the act passed, for he then had an interest in the tolls, and now was a great coach proprietor) had been round the country, and had found no great difficulty in convincing the inhabitants that it was pleasanter to travel for two shillings than for five, and so they signed the petition. But he was sure if they knew that they were doing an act of injustice, and depriving individuals of vested rights, they would sooner have cut their right hands off than have signed the petition. It was not necessary, but the House would excuse him if he read an extract from the act of parliament by which the rights in question had been granted to these individuals, to shew by what strict stipulations they were bound. [Mr. Pole then read an extract from 38 Geo. 3.] Upon the whole, it appeared to him a very hard case, and he thought that parliament would act with great injustice to the individuals concerned if it did not restore them those rights which had been taken from them, without their having been guilty of any neglect, or having done any thing to forfeit them.

Mr. *Parnell* said that the petitions which he presented yesterday against the Bill were signed by all the most respectable resident gentlemen of the Queen's County, which was a circumstance that fully proved how much it was likely to affect the public interest. Before the act of last session passed to do away the restraints imposed, on stage coaches, by the 48th of the King, this county, and many others, derived little or no advantage from them. But since these restraints have been removed, they have afforded the greatest advantages. He wished to call the attention of the House to one of these petitions in particular, it was that of Mr. Bourne, who, on the faith of the act of last year, had expended a very large sum of money in building new coaches, and making preparations for establishing them in new directions. The coaches which were formerly made use of not being adapted to carry so great a number of passengers as that allowed by the act of last session, it appears that he has built twenty two new coaches, whose construction and strength, being adapted to ten outside passengers, would be ineligible and useless, if the number was again confined to three. With respect to the assertion that Mr. Taylor was not aware of the nature of the act of last session, he could not bring himself to credit it, as the Bill was two months before the House, and had been published in the Irish newspapers. Nor could he believe that he was injured in the way that was insisted upon, because Mr. Anderson was interested exactly in the same manner, in consequence of his contract for the road from Dublin to Mullingar, and he had made no complaint; and because Mr. Bourne was also interested in the same way for the road from Naas to Limerick, and he distinctly says that he has sustained no injury whatever. The true state of the case was this, that all these gentlemen were originally partners in the contract for these roads, and in the stage and mail coaches established on them, and that they obtained the additional tolls, as they are called, on the number of passengers to be carried, and the double toll on all stage coaches, in order to give them a monopoly in the stage coach business on these roads; it was for this purpose, and not by way of giving them any profit on the money to be expended by them in repairing the road, that these tolls were given; the taking away, therefore, of these tolls, or of this monopoly, was no infringement of the contract; it did no more than undo a very impolitic measure of the Irish parliament, and give to the public the full benefit of stage coach travelling. But if a case could be made out by which it would appear that Mr. Taylor had sustained an injury, let compensation be given to him by enabling him to collect from the carriages of gentlemen a higher toll, or in any other way that shall be considered most expedient. It was too much to say that, in order to fulfil a mischievous and unwarrantable arrangement of the Irish legislature, that for fifty years two-thirds of Ireland were to be excluded from the use of stage coaches; and that those conveyances which were to accommodate the middling and industrious classes of the people were to be made to pay a toll twice as great as that paid by the carriages of the rich.—But whatever appearance of right Mr. Taylor may be able to shew to this double toll, it is quite evident from the words of the act of the 48th of the King that he cannot shew that he sustains any injury by the act of last session, allowing stage coaches to carry ten outside passengers.—The words are, "That it shall be lawful to demand at each pay-gate for every stage coach carrying more than six inside and three outside passengers, five shillings for every horse drawing the same, in addition to the tolls directed to be paid." This additional payment of five shillings on each horse is nothing more or less than a penalty to prevent more passengers than the regulated numbers from being carried. It is to be paid in addition to the tolls, and therefore cannot be considered as the toll itself, or as that which the legislature engaged to give Mr. Taylor, in consideration of his engagement to keep the road in repair.—Mr. Taylor cannot, therefore, so far as the act of last session relates to this penalty, complain of injury, because it deprives him of no source of emolument, and in no degree diminishes or alters the tolls which the Irish parliament engaged to give him.—With respect to those who had petitioned the House not to pass this Bill, it was clear that they had a fair claim to be heard: and for this reason it was necessary to appoint a Select Committee—because it was only before such a Committee that the merits of the case of each party and the public could be fully inquired into. It was quite idle to say that the people of Ireland enjoyed the benefit of laying their grievances before parliament, if no attention was to be pai to their complaints when brought forwar If so many petitions as were presented yesterday against this Bill, were to be wholl disregarded, and were inquiry into the allegations of them refused, it was gross delusio to say, that the right of petitioning gav any advantages to the people. The inhabitants of two-thirds of Ireland were interested in this Bill, and it was to trea them with insult to deny them a fair opportunity to set forth their grounds o complaint, and to prevent a measur which would be highly injurious to thei interests.

Mr. *Taylor* spoke a few words in suppor of the original motion.

Sir *John Newport* argued in favour of the amendment; and said that the Bill had been passed in 1798, when Ireland had been declared in a state of rebellion, and when all subjects of minor interest were unattended to. If the House was disposed to sanction this measure, notwithstanding the various petitions against it, he could only say that he should witness in this, as in other instances, a total disregard of the public voice of Ireland.

The *Chancellor of the Exchequer* said, that the object of his right hon. friend was not to repeal the Act generally, but merely such parts of it as related to the two roads in which major Taylor had a right vested by parliament, of which it would be highly unjust to deprive him. He could not help thinking that the right hon. bart. was not borne out in those charges which he so frequently reiterated of a disregard to the affairs of Ireland.

Mr. *Hutchinson* was disposed to give his full measure of praise to Mr. Anderson (one of the principal individuals interested in this Bill,) whom he valued both as a friend, a constituent, and a man who had been of the greatest service to Ireland; but having said this, he could not feel himself justified in giving his support to the original motion, which he thought put private interest in competition with public. It would be a waste of words to attempt to prove the advantage of the facility of intercourse promoted by the act of last session. He wished that the interests of individuals might be considered, but he could not agree in the repeal of what had been so serviceable, particularly as petitions had been presented from various parts of Ireland against the present measure.

Mr. *Croker* supported the original motion.

Mr. *H. Fitzgerald* followed on the same

; after which the House divided, when re appeared—

For the original Motion........34
For the Amendment............16
Majority......—18

n our being re-admitted into the iery,

Mr. *Parnell* contended, that the parties uld be heard by Counsel—and that the ıt hon. the Chancellor of the Exchequer l lulled them into the opinion that it uld be allowed.

The *Chancellor of the Exchequer* said, he st have been misunderstood; for any lividual who felt himself injured would ve had the knowledge that the Bill was be committed that day, and have coun- ready to attend.

Mr. *Ponsonby* said, if he understood the gument of the right hon. gent. before division, it was, that counsel should heard on the part of individuals the Committee; it was in his opi- n the proper place to protect the lividual. He would not oppose their ing into the Committee, for they might journ, and give an opportunity to indivi- als to support their claims.

The *Speaker* observed, it was impossible, cording to the standing orders of the ouse, that counsel could be heard on a ommittee of the whole House, for the pur- se of granting remuneration to indivi- als.

The House then resolved itself into a ommittee.

Sir *J. Newport* moved, "That the clause bliging stage coaches which carried more an their number of passengers as by act parliament, and which were, if they ent in contradiction, obliged to pay five illings toll extraordinaty for each horse, ould be expunged." Which was sup- rted by Mr. Bernard and Mr. Parnell, d opposed by Mr. Foster and Mr. roker.

The Committee divided, and there not eing 40 members in the House, the eaker took the chair, and counted the ouse—only thirty-four members appear- g, the House was of course adjourned till -morrow.

HOUSE OF LORDS.

Monday, April 29.

PROTESTANT DISSENTING MINISTERS.] scount *Sidmouth*, in pursuance of the ice he had given previous to the recess, se to acquaint the House, that it was his intention on Thursday, the 9th of May, to submit certain propositions to the consideration of their lordships, respecting the acts of the 1st of William and Mary, cap. 18, and the 19th of the King, cap. 44. They would relate to some existing abuses, which he held as not only inconsistent with the due interpretation and meaning of those acts, but with the real and important objects of them. It would be premature at present to enter into any particular statements respecting the propositions he should then have the honour to submit, further than to state, that he proposed bringing in a Bill, of which he should then move the first reading. It would be a Bill to render more efficient the acts in question, as far as they related to Protestant Dissenting Ministers. All he had to ask on the present occasion was, that their lordships would suspend their opinions respecting the measure he might be supposed to have in contemplation, until he should have an opportunity of stating precisely and distinctly the nature and details of it. The noble viscount moved, That the lords be summoned for Thursday May 9th; which was ordered accordingly.

HOUSE OF COMMONS.

Tuesday, April 30.

REPORT OF THE BULLION COMMITTEE.] Mr. *Tierney* wished to ask the right hon. the Chancellor of the Exchequer, whether he would have any objection to postponing the Committee on the Bullion Report from to-morrow to another day. The Resolutions proposed by the right hon. gent., whom he did not then see in his place, (Mr. Vansittart), created the necessity for some farther delay, in order to enable gentlemen to make themselves fully acquainted with their nature and bearing. From the consideration which he had been able to give the subject, and he had paid particular attention to it, he was satisfied, that, as the Resolutions were framed, they were not calculated to convey an assertion of facts according to the evidence. It was, therefore, material that gentlemen should have a better opportunity of making up their minds upon this important question; an opportunity the more necessary, as some gentleman might feel it his duty to submit to the House some counter-Resolutions, in opposition to those of the right hon. gentleman. For himself, he must say, that he should not pledge himself to bring forward any such Resolutions, though he hoped some other member would. But of this he was certain, that, to the Resolutions of the right hon. gent., as they were framed, it was absolutely impossible for any gentleman to give either approbation or dissent, except on general principles. On general principles he should be ready to give his vote against them; but as it was desirable on all hands, that the question should be decided upon the particular merits, he trusted the right hon. gent. would not make any objection to a short delay, for the purpose of enabling gentlemen to come to the discussion with minds fully made up on the subject.

The *Chancellor of the Exchequer* was rather surprised to hear this application from the right hon. gent.; because it must be in the recollection of the House, that when his right hon. friend read his Resolutions, and a suggestion was made as to the necessity of some postponement of the discussion from Monday, an hon. member (Mr. H. Thornton) remarked, that having heard the Resolutions read, they did not appear to him to suggest any new idea upon the subject, or to involve any matters which were not familiar to those who had considered the Report, and that therefore no postponement of the discussion was necessary. For his own part he fully felt how disagreeable it was to defer still farther this discussion, which had been so long hanging over their heads; but he was at the same time sensible how awkward it would be to hurry on the discussion when any gentleman desired a short delay in order to come better prepared to the consideration of the question. He was of opinion, however, that if the proposed delay, which he understood to extend to Monday next, should be assented to, it should be on an express understanding, that, if in point of fact any counter-Resolutions were to be proposed by the right hon. gent. or any other hon. member, they should be communicated to the House on Friday next, previously to the debate on Monday. With respect to the delay, he rather thought, that, though his right hon. friend was not present, with whom the power of consenting rested, he would have no objection to acquiesce in the arrangement proposed.

Mr. *C. Adams* could take upon himself to consent to the delay on the part of his right hon. friend, whose authority he had to say, that he would have no objection to the delay required.

Mr. *Tierney* disclaimed having given any pledge that he would bring forward an counter-Resolutions; though he thought likely that some other hon. gent. mig do so.

The *Chancellor of the Exchequer* observe that he had not charged upon the rig hon. member having given any suc pledge; neither did he wish the right ho gent. to bring forward any counter-resolutions. He should be much better satisfied at his concurring in the Resolution of his right hon. friend.

Mr. *Horner*, so far as he was personall concerned, was perfectly prepared to g into the discussion at any time: but h must observe, that these were Resolution founded upon an extensive mass of evidence, which it would be impossible fo gentlemen to decide upon justly, withou making themselves acquainted with tha evidence particularly. Several of th right hon. gentleman's Resolutions wer not consistent with the evidence, and only calculated to mislead the House. If gentlemen had not time, therefore, to conside the evidence, it would be extremely difficult for him to convince them that the Resolutions were not borne out by that evidence. There were some of the Resolutions which he considered unfounded. the 5th, for instance, assumed four or five things as facts, which he contended were not facts, but which it would not be easy for him to shew not to be facts, unless gentlemen were to be fully in possession of the evidence.

The order was then discharged; and fixed for Monday.

HOUSE OF COMMONS.

Wednesday, May 1.

Sicilian Treaty.] The copy of the Sicilian Treaty, communicated to the House on the 10th of June, 1803, by Mr. Secretary Canning, having been referred to the Committee of Supply, the House resolved itself into the Committee, when

The *Chancellor of the Exchequer* moved, " That a sum not exceeding 400,000*l.* be granted to his Majesty, to enable him to make good the provisions of the said Treaty."

Mr. *Whitbread* said, that he did not rise with any expectation of inducing the Committee to dissent from the motion of the right hon. gent.; or, indeed, with any wish to repeat the arguments which he had urged on a former occasion against this grant to his Sicilian Majesty, at the

he time he thought it his duty to state,
notwithstanding the present elation of
public mind with respect to foreign re-
ons, it was the duty of parliament
ctly to watch the course of our pro-
dings with respect to those relations;
more strictly, perhaps, from the very
cumstance of the existing elation. He
also of opinion, that it was highly de-
ble, at the time when we were subsi-
ing Sicily, and taking that island under
protection of British arms (even were
llowed that it was for a British object),
t parliament should know that the ap-
cation of the money which they grant-
for these purposes, and that efforts
uld be made to remedy, if possible,
ne of those diseases in the Sicilian go-
nment, which, if not cured, would
vitably destroy that government itself;
he was persuaded, that a more pro-
gate government, or a more oppressed
ple than the Sicilian, not only did not
ist, but never had existed. Having
d thus much, he would abstain from
king the sense of the Committee on the
esent proposition; but he would take
is, the earliest opportunity that had been
orded him, of expressing his regret that
was not in his place on Friday, when
e Thanks of the House were voted to
d Wellington. His absence was oc-
sioned by avocations of a public nature,
which his attention was indispensable.
such circumstances alone should he ever
ek for a justification of his absence from
rliament, while he had the honour of a
at there; for, whether the attendance of
her members was constant or lax, whe-
er the benches were full or empty, he
ould always consider himself bound to
sist every engagement of pleasure, and
ery engagement which could be avoid-
l of business, for the purpose of at-
nding his parliamentary duty. He re-
ated, however, that he particularly re-
retted the necesssity of his absence on
riday, as he should have concurred most
eerfully and most cordially in the vote
f that day. He should have been ena-
led to bestow praise even on ministers—
praise which they had never before re-
eived from him—for their selection of a
eneral whose conduct had so fully jus-
fied the confidence that had been re-
osed in him. He should also have been
appy on that occasion to state, that, not-
ithstanding the doubts which had for-
erly existed in his mind, arising from
is ignorance of the particulars of lord
Wellington's proceedings in Portugal, notwithstanding the hesitation which those doubts had occasioned, notwithstanding he had fancied that some parts of those proceedings were questionable, now that the whole was developed, and proved to be the combinations of a masterly plan, he most willingly acknowledged the noble lord's great talents, and paid him the just tribute of his admiration. He would even have followed the example of a young and eloquent member of that House, although without allowing the premises on which that hon. member founded his remark; without admitting that any of the envy of lord Wellington's military talents, to which that hon. member alluded, existed in the House or the country, he would still say with him, that, "Invidiam gloria superavit." At the same time, and notwithstanding the splendour of recent events, ministers ought to conduct themselves with the moderation which became success, and never to lose sight of the principle—a principle which he had ever maintained, and which he should ever maintain—that the only legitimate object of every war, and of this above all other wars—an object which ought to be the nearest and the dearest to government, in the present oppressed state of the country and the world—was peace. Every endeavour ought to be made to render the late successes available to that end. How this could best be done was not for him to consider; but it was his sincere feeling, that it was a contemplation which ought ever to be uppermost in the minds of government.

The *Chancellor of the Exchequer* was persuaded, that having agreed to a similar vote on a former occasion, the Committee would not be disposed to withhold from Sicily the proposed assistance during the continuance of the war, and its attendant distresses. He could not forbear expressing his deep regret at the sentiments uttered by the hon. gent. with respect to Sicily. If any one thing could render it more difficult than another to render British arms serviceable in defence of the country, it was to set the government and the people of that country in opposition to each other. Such language, therefore, as that used by the hon. gent. was little calculated to promote the general cause. The object of the subsidy to Sicily, and of British protection, namely, that of keeping Sicily independent of France, had hitherto been completely attained;

and he deprecated every mode of conduct by which the success of that object might be endangered.—Adverting to the observations made by the hon. gent. on the vote of the House on Friday last, he declared his satisfaction at the sentiments which the hon. gent. had expressed, and which were as honourable to himself, as they were to the object of his applause. The approbation of the hon. gent. was more unreserved than could have been expected, even from his liberality; and he was happy in the testimony which the hon. gent. bore to the judgment of ministers in their choice of lord Wellington. As to the general observation that government ought to look to peace as the legitimate object of war, he certainly concurred in it; and, as a general sentiment he hoped it was entertained as cordially by one set of men in that House as by another. But if the hon. gent. meant to say, that at the present period the country might reasonably expect an immediate termination of hostilities, then he must observe, that, looking to all the circumstances in which Great Britain and Europe were placed, he could not entertain such an expectation. Undoubtedly, the only rational object of any war was the honourable termination of it; but that, under the circumstances to which he had already alluded, there appeared to be any great prospect of the probability of obtaining such a peace as might be at once useful and honourable to the country, was a statement of the truth to which he could by no means accede.

Mr. *Whitbread* explained. On the best consideration which he could give to the subject, he thought it most important that the British parliament should not shut their eyes to the true character and situation of the Sicilian government and people, that they should not pretend to believe that the government was not profligate, or the people not oppressed; and that they should not pretend to believe, that to abstain from proclaiming these evils was the best way to correct them. He held it the bounden duty of a member of parliament when voting the public money for such purposes as the present, explicitly to state his sentiments. The right hon. gent. had been pleased to suppose, that he (Mr. W.) believed the recent events might lead to a speedy peace. He had said no such thing. At the same time he could not allow that to say the legitimate object of every war was peace, was a common-place observation, unworthy of being uttere There were times when this nation appeared to lose sight of that object. I flamed to increasing hostility by the incitements of their rulers, it was not common place nor useless, to say to the peopl "Be moderate in the midst of your success." Whenever this country obtaine any advantage in the contest, immoderat and enthusiastic anticipations were entertained of destroying the power of Franc and of overturning the throne of the emperor of that nation. Whether peac could, or could not, be obtained, he woul not pretend to say; but this he would say that, until the trial was made, no on conld know what might be effected. Th French government, under the pressure o necessity, might be induced to listen t propositions which they had before rejected. There had been many opportunities in the course of the war, when th Emperor of France might, in his opinion have been successfully approached wit overtures of peace. It might be a visionary prospect; but he could not hel thinking, that the present was a most auspicious moment; and that it ought not t be allowed to pass without some pacifi effort on the part of the British government.

Mr. *W. Smith* was of opinion, that notorious as was the state of the governmen in Sicily, it was wisdom and policy t urge on that government such a reformation as might be carried into executio without tumult, and as might convinc the Sicilians that the British wer the friends equally of the Sicilian government and of the Sicilian people He regretted, that during the occupation of Sicily by British troops, no representation of the nature which he recommended had been made to the Sicilian government, either by our commanders or by our envoys. He should be happy were such a representation made and acceded to, because he was persuaded that the reformation of the Sicilian government would render the defence of the island much more easy, and would enable the British troops to accomplish that to which under the present circumstances, double their number would scarcely be adequate. He was aware that some small inconvenience might result from the public statement of these circumstances in Parliament, but there were cases in which it became necessary to balance inconveniences: and in his opinion, the inconvenience of reining silent on this subject would have en incomparably greater than the innvenience of speaking out upon it.

Sir *T. Turton*, although he allowed that ve were in Sicily, merely as subordinate ies, we should have no right to interpose th the government, yet thought, that ce we had assumed the defence of that nd, as principals, we ought to endeaur to produce the wished for reform. owever unpopular the sentiment might , he must declare, that the moment of ccess was that in which we ought to at with an enemy. It was, in his opinion, imperative on government to see ether the enemy would not surrender e great obstacle to negociation, by leavg Spain independent. He was not one those who would wish to lay the couny at the foot of France, and crave peace any terms; but he would say to her, Give up that object, the subjugation of ain, and we are ready to treat with u."

The Resolution was then agreed to.

HOUSE OF COMMONS.

Thursday, May 2.

Answer of General Graham to the ote of Thanks.] The Speaker acuainted the House, that he had received om Lieutenant-General Thomas Graham e following Letter, in return to the hanks of this House, signified to him by Ir. Speaker, in obedience to their comands of the 28th day of March last.

"Isla de Leon, 15th April 1811.

"Sir; I had yesterday the honour of eceiving your Letter, conveying to me he unanimous Votes of Thanks of the House of Commons to me, to Brigadier-General Dilkes, and to the Officers, Non-Commissioned Officers, and Private Soldiers of the Division under my command on the 5th ult. in the action of Barrosa.

"The House will readily believe, that the noble spirit displayed on that occasion by these brave men springs from the honourable principle of loyal and devoted attachment to their Sovereign and to their country; and that therefore they receive as a most flattering reward, this distinguished testimony of the approbation and applause of the representatives of the people.

"Though I am myself conscious that the signal success of that day is entirely due to the combination of discipline and bravery of the troops whom I had the good fortune to command, yet it would ill become me to disguise my feelings on this occasion; for I well know the inestimable value of those Thanks to a Soldier.

"I have formerly often heard you, Sir, eloquently and impressively deliver the Thanks of the House to Officers present, and never without an anxious wish that I might one day receive this most enviable mark of my Country's regard: this honest ambition is now fully gratified; and I am more than ever bound to try to merit the good opinion of the House.

"I trust, Sir, you will, on my own part, and on that of my gallant comrades, assure the House of these our grateful feelings.

"Permit me, Sir, to request that you will accept my sincerest thanks for the most kind and flattering expressions with which you have accompanied the Resolutions of the House, and that you will be assured of the high regard with which I have the honour to be, Sir, &c. Thomas Graham, Lieutenant-General."

HOUSE OF COMMONS.

Friday, May 3.

Caledonian Canal.] The House having resolved into a Committee of Supply, to which the Accounts presented by Mr. Wharton on the 21st of April and on the 1st of May were referred, the following sums were voted:—30,000*l.* for roads and bridges in the Highlands of Scotland,—40,000*l.* for the Canal between the east and western coasts of Scotland. Upon the question upon this vote,

Mr. *Abercromby* wished to know whether there was any likelihood that this would be soon completed, or whether it was intended that this vote should be continued annually. This project was taken up in the first instance for the purpose of affording employment to the Highlanders, who for want of employment were emigrating to other countries; but he was informed, that in point of fact, the greater number of the labourers now employed, were from Shropshire.

The *Speaker* believed that he could answer the question of the hon. and learned gentleman. Though he had himself no concern with the original projection of this work, he had no difficulty in saying, that, from all the attention he had paid to the subject, and all the information he had received respecting it, he was led to entertain a favourable opinion of its utility. With respect to the progress which had been made in the execution of the work, he had to observe, that it was reported to be half-finished in 1809, and consequently must be more than half finished at present. The grant proposed this year was 10,000*l.* less than last year, which arose from the progress made in the work rendering a smaller expenditure necessary. The average number of persons employed was 1,000, but within the last six months that number had been reduced, lest the employment of so many labourers, on such an undertaking, should have the effect of raising the price of labour in the neighbourhood. An occurrence however had taken place within the last six weeks which it might be desirable to state to the Committee, and it was this—that owing to the pressure of the times great numbers had been thrown wholly out of employment on the north-western parts of Scotland, of whom about 500 persons, who would otherwise have been destitute, obtained employment on this canal. He felt it due to the engineers to state that hitherto no unforeseen difficulties had occurred in the execution of the work. Any gentlemen who wished for information on this subject, would find in the fourth Report respecting it, a body of documents containing the opinions of the merchants of Liverpool and other mercantile persons as to the utility of the canal for commercial purposes, independent of the public advantage of facilitating the passage of frigates from the eastern to the western coast of Scotland. As to the description of persons employed, he should say that the result of an inquiry he had directed to be made on the subject shewed the number of persons from England employed in the work not to exceed twenty; and if his recollection served him right, he could state them to be only six.

The Resolution was then agreed to.

REPORT OF THE BULLION COMMITTEE.] Mr. *Horner* rose, and stated, that in consequence of the postponement of the debate on the Bullion Report, he had availed himself of the interval to examine the Propositions of his right hon. friend (Mr. Vansittart), particularly so far as they related to facts, wherein they seemed to him to be at variance with the evidence before the House. He had paid this attention to them, in order, that, if the House should come to a question upon them, he migh be enabled to move some Amendments, t correct what he conceived the varianc they contained from the evidence. Wit this view, he had reduced what appeare to him to be necessary to correct the mis statements of facts, into a plain statement though he had not yet formed it into th technical shape of Resolutions to be submitted by way of Amendments. It migh be for the convenience of gentlemen to b put this day in possession of the substanc of his Amendments, and it was with tha view he had risen to read the statement he had prepared to the House. He should only premise, that he had confined himself in this instance solely to facts; and where facts and doctrine were intermixed, he had taken care studiously to separate the facts from the doctrines. The hon. and learned member then proceeded to read the substance of the Amendments he had to propose, beginning with the fourth, and ending with the tenth of Mr. Vansittart's series of Resolutions. The hon. and learned gentleman then gave in his statement at the table, in order that it might be printed for the convenience of gentlemen. [For the said Amendments, see the Debate of the 15th instant.]

WESTMINSTER HUSTINGS AND POLL CLERKS BILL.] Mr. *Lushington* thought it desirable before the House proceeded further in the Westminster Hustings Bill, to ascertain the nature and extent of the responsibility attached to the office of High Bailiff of Westminster. He accordingly moved, that a Select Committee be appointed to inquire into the Office of High Bailiff of Westminster, and report upon the duties and burdens incident thereto.

Sir *F. Burdett* supposed, that this proposed enquiry was intended to precede the enactment of a Bill upon the subject: but as he did not think that any enquiry could ultimately justify such a proceeding, he should vote against the appointment of the Committee. Any Bill such as had been proposed could only have the effect of raising the price of the office of High-bailiff of Westminster, and putting so much additional money into the pocket of the Dean and Chapter of Westminster, without in any degree relieving the officer. The bailiff was indeed indemnified at present, as might be proved by the success of his action against him (Sir Francis) for the expence of the election, though he had been nominated with-his desire, and returned without his sent. Against the principle of that de- on he must beg leave to protest. The ned judge (lord Ellenborough) thought, t when a member of parliament had the antage of his seat, it was but fair that should bear the expence of his election. w, though undoubtedly the learned ge might have had good reason for his ision, though he might personally have nd his seat profitable and advantageous, he (sir Francis) could not see any ad- itage to be derived from a laborious dis- arge of one's duty in that House.

Mr. *Wynn* expressed his satisfaction at motion, which he thought calculated shew how the case stood. He thought t elections ought to be free of expence; t if expence must be incurred, it might, suggested, be provided for by a rate the city of Westminster.

After a few words from Mr. P. Moore, . Lockhart, and Mr. Lushington, the tion was agreed to, and the Committee pointed. The second reading of the estminster Hustings Bill was postponed this day fortnight.

HOUSE OF LORDS.

Monday, May 6.

DISTILLERY BILL.] Upon the order of e day for the second reading of this Bill,

The Earl of *Suffolk* apologized for his eceding the noble earl (Bathurst) in of- ring a few observations to their lordships. ut his age was such that he felt himself adequate to take any part in discussion wards the close of a lengthened debate, d therefore he was induced to make a w remarks at this early period of the ening. Their lordships would perhaps low he was entitled to considerable owledge respecting the question under eir consideration. The knowledge he ossessed was founded upon careful inves- gation, and upon the experience of many ears. It would be in the recollection of many who heard him, that the early period f his life was devoted to the duties of a military profession and the service of his ountry. Having resigned the command f his brigade to that excellent officer general O'Hara, he returned home and took possession of those estates which, with his title, descended to his inheritance. The persons whose principles had ever been consonant to his own were then in administration, but they remained in only a very short period, and upon the change which followed he quitted the idea of any further appointment, and resolved on a retirement to the management of his landed property. It was then his determination to become an independent member of the community, and uniting that disposition with a study of the interests of agriculture, he endeavoured to form that character which it was always the pride and boast of his subsequent life to maintain. However, he found that his estates had been greatly neglected, that his farm-houses were gone to decay, and his tenants were in a worse situation than those of any neighbouring landlord. The land, notwithstanding, was as fine as any which could be found in the whole country, and only required the care of cultivation to make its produce equally advantageous. He immediately turned his attention towards its improvement, and the whole of his estate became more profitable. The rent, which had been 5*s.* an acre, was raised to 30*s.*; and he recollected that considerable quantities of barley were produced, to the great advantage of his tenants. He took into his own hands a considerable portion of his park and other grounds, and he remarked that one year the produce of barley from a few acres was prodigiously great, being upwards of 100 sacks from eleven acres. Afterwards his tenants were never in arrear, and at this time he could say he had not a single tenant whose rent was in arrear. He thought every encouragement ought to be given to agriculture in this country, and on that principle he considered the present measure extremely objectionable. He believed it was not a party question, and he was glad that the administration did not consider themselves called upon to use their political influence; because, whenever that was the case, it was well known the decision might be anticipated. He should always be of the same opinion as to the impolicy of this measure; and he entertained this sentiment in opposition to the system of Mr. Pitt. In France, the government attempted to lower the price of grain, a famine was the result, and a depreciation of the assignats took place at the same time; and he would remind his Majesty's ministers that a similar event might take place in this country. A guinea was not now to be seen, for it really happened with him that he wanted two guineas, he wanted some substantial gold, but he could not obtain a single guinea. His tenants paid him in paper, not a tenth part of which was in Bank of England notes, but in those of country banks; and indeed he grew apprehensive lest they should become invalid in his possession.—The noble earl next adverted to the Property Tax, as collected from landholders like himself, and from tenants in general; with respect to the latter, he was sure that tax was very imperfectly collected; and if ministers would turn their attention to the subject, they might, he was confident, increase the revenue to upward of two or three millions. Upon the whole, he was satisfied this Bill would be injurious to the interest of agriculture, and he had considered it his duty to express these sentiments to the House.

Earl *Bathurst* rose for the purpose of stating to the House, the principle and nature of the measure now under their lordships' consideration. He would as briefly as possible detail the regulations which guided the principle of this Bill, which bore a relative proportion to the price of sugar and the price of corn. It was not fit, their lordships would perceive, that the price upon which the computation was founded should be too high, nor on the other hand should it be at too low a rate. The relative proportion was therefore taken, with respect to barley, at 38*s.* a quarter and with regard to sugar, at 70*s.* 9*d.* It would be found that the quantity of spirits produced from each of these articles would be nearly equal, and if their lordships would attend to the calculation with respect to the price itself, upon the raw article, and the duty to be imposed, they would distinctly observe the price of the spirit to the distiller would be the same upon each. The noble earl proceeded to compute the prices on a certain quantity of barley and malt, and the duty thereon, together with the price and duty on a quantity of sugar proportioned to produce an equal quantity of spirit, whereby it appeared that the price to the distiller on both these articles would be 12*s.* 0½*d.* on each gallon of spirit. It was thus that the relative proportion became such as to bring sugar into the market upon equal terms with those of grain. In respect to Scotland, there was a difference which obliged those who adjusted the proportion between the prices and quantity of each of these articles to adopt some variation in the computation, and the proportion concluded upon left the price of a gallon of spirit from one 9*s.* and from the other 9*s.* 0½*d.* The result of this difference between England and Scotland was that an advantage accrued to the last mentioned part of the kingdom. In anticipating the objections against this measure, there was one which he did not conceive could be applied to the principle of the Bill, and would more correctly fall under their consideration when the House should resolve itself into a committee. The objection he alluded to was the apprehension of sugar falling below the price calculated upon as bearing in proportion to that of barley and malt. In his mind, there was no ground for entertaining this apprehension; but even if it could be anticipated, it would only suggest the propriety of proposing a provisional clause in the Committee. With respect to those objections which were to be urged against the principle, he should notice that of its being unwise to adopt any legislative measure upon a subject which ought to regulate itself: it was said the present Bill went to create a *maximum,* which must at all times have a pernicious tendency. But their lordships would consider what were all the regulations which the legislature at different periods had thought it expedient to adopt, but such as created the effect of a *maximum.* When it was thought proper to grant a bounty on the importation of foreign corn, because the corn of this country bore a certain high price, what was this but to prevent our home produce from becoming higher? In the same manner when by legislative provision the exportation was prevented, was it not upon the same principle to prevent the high price of corn? The object of the noble lords opposite seemed to promote a monopoly amongst the growers of corn, and to increase its high price, which would only have the effect of raising the rents. He trusted the country would never have an opportunity of witnessing that House attending to any interests of their own, or of seeing them guided by any selfish principles.

The Earl of *Aberdeen* deprecated the Bill as tending materially to injure the agricultural interests of the country, and by taking away a part of the market to reduce the demand for, and consequently the growth of barley, which on many lands was an intermediate step to the cultivation of wheat, and thus reducing our supply of food at a time when we had only a precarious dependence for a supply from the continent. No reason had been stated for the measure, there was not at present any a of scarcity, and it seemed to be only ought forward for the purpose of grant- a boon to certain interests.

The Earl of *Rosslyn* entered at some gth into detail, for the purpose of ewing the fallacy of the calculations ted by earl Bathurst, particularly with pect to Scotland, where grain would be mpletely driven out of the distillery arket from any competition with sugar. contended that the Bill was founded on a most erroneous and improvident licy, and that the only effect of it would to cause a reduction in the revenue to amount of 690,000*l.*; that was to say take out of the pockets of the public at sum, and put it into the pockets of the est-India planters.

The Earl of *Darnley* was of opinion, that injury would arise to the agricultural terests of the country from the present easure. It was proved by the increase the price of barley, and the increased portation of that article during former ohibitions of the use of that article in e distilleries, that no injury was done by em to the agriculturist, and he was there- re disposed to support the present Bill, nceiving that it would not injure the rmer at home, and that it would benefit r colonies.

The Earl of *Hardwicke* urged the impor- nce of the cultivation of barley, as an tervening step, on a great portion of land, the cultivation of wheat, and that there- re it was most essential to the interests the country, that the market for barley ould not be lessened by taking from it e demand for the distilleries. His lord- ip moved that the Bill be read a second me this day six months.

The Earl of *Westmoreland* defended the ill, and contended that the sugar grower our colonies was entitled to all the sistance we could render him, and that e barley grower here would not be in e least injured by the effect of the Bill.

Lord *Holland* urged, that the object of e Bill was simply this, not that the West- dia colonist should be let into competi- on with the grower of barley, but that hen barley had reached a price to let in e foreign farmer, that then the West dia colonist should be let into the market r the distilleries instead of the farmers of rance; and surely when the enormous m we had paid in during the last year to r enemies for our corn, was for a mo- ent considered, it must be deemed an ject of sound policy to give that advantage to our own distressed colonists instead of giving it to the farmers of France. This was the ground upon which the Bill was founded. When the barley here had reached 33*s.* per quarter, it was known that by the existing laws importation was permitted, and the foreign farmer was let into the market. Surely then it was not too much to ask for our own West India colonist to be let into the market with sugar for the distilleries when barley had reached the price of 38*s.* per quarter.

The Earl of *Lauderdale* contended that this argument was founded in a fallacy; that the fact was, that it would not pay the foreign farmer to import barley here at 33*s.*; that he could not do it under 50*s.* and that therefore at 38*s.* the competition would not be between the West India colonist and the foreign farmer, but between the sugar grower and our own farmers. This he maintained was giving an undue advantage to the sugar grower, to the great injury of our own agriculture; and that the whole scope and tendency of the Bill was evidently to increase that advantage to the sugar grower.

The Earl of *Liverpool* admitted, that if the contest was between the interests of the West India Colonists and the Agricultural interests of the country, that the former must give way; but here there was no such question, all that was asked was, to let in the West India Colonist in competition with the foreign farmer, the interests of our own farmer being completely provided for. It was shewn that neither the growth of barley nor the quantity of malt had been diminished by former prohibitions, but on the contrary, that they had increased; and therefore, there was no ground for supposing that the present measure would have the least effect in diminishing the growth of barley.

Lord *Grenville* urged, that from the nature of the provisions of the Bill, a bounty was in fact given on the use of sugar in the distilleries to the exclusion of our own barley, and to the vital injury of the real interests of the country, by lessening the demand, and consequently diminishing the supply of food at a time when it was more than ever necessary to increase our internal resources. He could not conceive any thing more injurious than this intermeddling species of policy, interfering with and diverting the regular course of nature, and affecting to regulate by an imaginary rule the prices of articles which ought to be left to find their own level.

The question was then put, that the word "now" stand part of the question, on which the House divided.

Contents....................36
Not Contents..............56
Majority.........—20

The Bill was accordingly lost.

List of the Majority.

DUKES.
Clarence
Gloucester
Somerset
Bedford
Portland

MARQUISES.
Winchester
Lansdowne
Stafford

EARLS.
Suffolk
Jersey
Oxford
Bristol
Cowper
Pomfret
Buckinghamshire
Fitzwilliam
Hardwicke
Spencer
Talbot
Norwich (Duke of Gordon)
Fortescue
Rosslyn
Nelson
Grey

VISCOUNTS.
Bolingbroke
Sidmouth

LORDS.
Hastings (Moira)
St. John
Hay (Kinnoul)
Sundridge (Duke of Argyle)
Grantley
Grenville
Dundas
Cawdor
Stewart (Galloway)
Carrington
Bolton
Wodehouse
Lilford
Carysfort
Keith
Sheffield
Lauderdale
Granard
Ponsonby
Ailsa (Cassilis)
Breadalbane
Strathmore
Selkirk
Aboyne
Aberdeen
Lucan

BISHOPS.
Oxford
Norwich
Lincoln.

List of the Minority.

DUKES.
Cambridge
Cumberland
Beaufort

EARLS.
Westmorland
Sandwich
Poulett
Aylesford
Macclesfield
Digby
Graham (Duke of Montrose)
Bathurst
Camden
Mount Edgecombe
Liverpool
Chichester
Lonsdale
Harrowby

VISCOUNT.
Sidney

LORDS.
Clifton (Darnley)
Holland
Brownlow
Walsingham
Eliot
Grimstone
Douglas (Morton)
Mulgrave
Saltesford
De Dunstanville
Harewood
Rolle
Eldon
Redesdale
Arden

BISHOPS.
Worcester
Clonfert
Exeter.

HOUSE OF COMMONS.

Monday, May 6.

SOUTHWARK BRIDGE BILL.] Mr. *Sumner* moved the third reading of the Bill for building a bridge near the Three Cranes Wharf, at the bottom of Queen-street, Cheapside.

Sir *W. Curtis* opposed the Bill, on the ground that there are already three bridges on the river near the metropolis; that the consequence of another bridge so near that of London, would affect the navigation of the river by causing too great a current; and that in point of necessity it was not called for by the public.

Sir *C. Price* also opposed it.

Sir *T. Turton* supported the Bill. He did not think that there was any thing in the objections of the worthy aldermen who had preceded him, certainly nothing to outweigh the one fact he could state to the House, which was, that Mr. Rennie, a man of the first experience and authority in his profession, after a minute examination of London Bridge, had declared it formally as his opinion that London Bridge, after one hard frost, might not last a year. As to the corporation of London not being treated with respect by the projectors of this Bill, if this was the case, he was sorry that it was so; but still he contended, that such conduct on the part of the projectors was no reason why the public should be deprived of the many and great advantages resulting from this Bill.

Mr. *Marryatt* spoke in favour of the Bill. He detailed the many and various difficulties, amounting to positive obstructions, experienced every hour of the day in passing over London-bridge. The pressure of all sorts of vehicles incessantly passing and repassing, kept the bridge in such a state that it was always needing repair, and of course in many parts of it not passable. He had frequently, on his way to Sydenham, been delayed a longer time (his carriage following in the line of carriages) in going the half mile leading to and over the bridge, than in riding the seven remaining miles.—An hon. baronet had said, that there were already three bridges over the river Thames: Paris, a city not to be compared with this, in point of trade, extent, population, or opulence, had yet not less than nine bridges over the Seine. The House were in possession

he opinion of Mr. Rennie, and if that
nion should be confirmed: if any acci-
t should happen to London-bridge, he
ed, in what a situation would the inha-
nts then find themselves, if no provi-
similar to the one now proposed
uld have been previously determined
? He wished also to impress upon the
use, that the iron bridge intended to
built would not be less an object of con-
ience than embellishment.

Mr. *Sumner* observed, that the Bill, as
been proved before the Committee,
highly necessary, on the ground
ed by the gentlemen who had pre-
ed him; that in order to shew its ne-
sity, evidence was called from among
servants of the corporation of the city
London, who stated, that so great has
n the pressure of business, and so nar-
the passes, that stoppages of carriages
all sorts have occurred for the space of
ee or four hours.

The Bill was then read a third time and
sed.

EXCHEQUER BILLS.] The House hav-
resolved itself into a Committee of
ays and Means,

The *Chancellor of the Exchequer* rose, and
erved, that having some time ago
ted his reasons for funding 12 millions
Exchequer Bills, and of that sum not
re than 7,800,000*l.* having been sub-
ibed for, he had, in furtherance of the
a which he then entertained and stated
he House, thought it his duty to enter
o a contract for supplying the defi-
ncy upon the terms which he then pro-
sed, namely, to fund the whole in the 5
r cent. stock. It was desirable that the
ntlemen who had then subscribed should
ve the same advantage with the present
bscribers. He therefore proposed to
e to those gentlemen, the option of
ving for every 70*l.* subscribed, 72*l.* 12*s.*
the 5 per cents. and also for prompt
yment, 4 per cent. discount. The per-
nent charge to the public would be the
ne in both cases; and it would be seen,
at he had not given more advantage to
new subscribers than he had given to
old, for it was but equitable that both
uld be on a par. In breaking the loan
erefore, no injury would arise to the
blic interest, though, previous to that
ne, an idea had prevailed, that great
advantage would accrue, and that stocks
uld be depressed. Stocks, however,
tead of feeling a great depression, had since progressively improved; and, under the idea then held out, he judged it proper to propose the same terms as had been originally proposed. Having so done, and this day being the last for receiving the proposals in answer, and for closing, he had to state, that the gentlemen on the list who had offered, had closed with them. The amount to be funded in order to make up the deficiency, was 4,981,000*l.* leaving a fraction of somewhat about 60,000*l.* of the 12,000,000*l.* At three o'clock on that day, the gentlemen had closed, taking the sum of 4,700,000*l.* upon the proposed terms, which the Committee would see left about 200,000*l.* unsubscribed for; but that sum Messrs. Baring and Angerstein had agreed to take. The right hon. gent. then moved, "That a sum not exceeding 4,981,000*l.* be raised by Loan on Annuities," &c. which Resolution was agreed to.

REPORT OF THE BULLION COMMITTEE—MR. HORNER'S RESOLUTIONS.] The order of the day being read, for the House to resolve itself into a Committee of the whole House, to consider of the Report which, in the last session of Parliament, was made from the Select Committee appointed to enquire into the cause of the high price of Bullion, and to take into consideration the state of the circulating medium, and of the exchanges between Great Britain and foreign parts; Ordered, 1. "That the said Report be referred to the Committee. 2. That the Report from the Committee of Secrecy appointed by the Lords to enquire into the causes which produced the Order of Council of the 26th day of February 1797, for restraining the Bank from the issue of specie (and which Report was communicated to this House upon the 2d day of May 1797) be referred to the Committee. 3. That the Report which, upon the 13th day of June 1804, was made from the Committee appointed to enquire into the state of Ireland, as to its circulating paper, its specie and current coin, and the exchange between that part of the United Kingdom, and Great Britain; together with the Minutes of Evidence, and the Appendix thereto, which were reported to the House by the said Committee upon the 4th and 16th days of May 1804, and upon the said 13th day of June, be referred to the Committee. 4. That the several Accounts and Papers which have been presented to the House in this session of Parliament relating to Money, Bullion, and Exchanges be referred to the Committee."

The House having accordingly resolved itself into the said Committee, Mr. Lushington in the chair,

Mr. *Horner* rose and spoke to the following effect:

Mr. Lushington; Before I enter into any detailed explanation of the subject to which I propose to call the attention of the Committee, I feel it necessary to apprise the Committee thus early in the discussion, that it is my intention to separate the last of the Resolutions which I have already submitted to the consideration of the House, and which it is my intention to call upon the Committee to agree to, from those which precede it; because the preceding Resolutions embrace and embody what appear to me to be the causes and effects of the scarcity of bullion; whereas the last points out the remedy which, in my judgment, is best adapted to correct the evil, and in which I mean to call upon the Committee to concur. I am the more inclined to take this course, because a great variety of opinions prevail upon the subject, and many gentlemen who approve of the principles and opinions expressed in the first series of Resolutions, may not coincide with me as to the propriety of the last. I consider it, therefore, of considerable importance, to keep the two questions as distinct as possible; and with this determination, I intend to state fully the view which I take of the subject in the first instance, and then to propose the whole of the Resolutions, with the exception of the last, which I mean to move distinctly. Having premised thus much, I shall now proceed to the consideration of this important subject in all its bearings, giving to it all that attention, and stating all those circumstances which pressed upon my mind so strongly, as to induce me to propose such Resolutions as appear to me just and proper to be adopted by the House. I am aware that the subject is one to which many other gentlemen are more competent than myself; that it has in fact been much better and more ably examined by them; but, however, having conceived it my duty to give the subject much and serious attention, I come prepared to this discussion with my general view of it, which for the convenience of the House, I shall endeavour to compress within as narrow limits as possible. In so doing, I am afraid, however, that I shall be obliged to trespas longer on the patience of the Committe than I should wish to do.

Among the various opinions and discussions agitated on this and similar subjects out of Parliament, many, as migh be expected, go into the most violent extremes. Some are hardy enough to affirm that our paper currency is of itself sufficient for all our necessities, and that ou financial interests would be much improved by an entire substitution of pape for the precious metals. According t this creed, the greatest of all modern discoveries in the improvements of commerce, is the exclusive substitution of paper currency founded, not upon th basis of the precious metals, but on th basis of confidence alone. Others, blin to the benefits of this proposal, blind t experience, blind to the great advantage of a well regulated paper currency, propose our reverting to ancient systems Others, again, and in my opinion the bes class, venture to recommend, that we should have as extended a paper currenc as is consistent with the stability of th circulating medium, and that this currency should have for its basis the precious metals. It is my wish, and I desire it to be distinctly understood, not to proceed to either extreme; my object is to impress the Committee with the propriety of reverting to the doctrines and opinions of the ablest and most practical statesmen of this country previous to the period o the Bank Restriction. The principle o those doctrines was, that the circulation of paper was in itself beneficial, and sufficiently guarded against possible excess by its constant liability of conversion into gold.

And here I must observe, that I do not by any means concur in another opinion which has gone abroad upon this subject—an opinion erroneous enough, but which opinion is entertained by many persons, namely, that the only remedy for the existing evil is not to limit the paper issues, but to do them away altogether. There are persons, too, who entertain a jealousy and suspicion of the Bank of England, as an institution.—(hear! hear!) Whoever feels a proper respect for his country, can never agree with those who hold such doctrines; for the origin of that institution was highly praise-worthy, connected as it then was, with the liberties of the country. It is impossible that every effort to preserve and uphold the just credit of the Bank o

ngland should not be made by those who
nsider the advantages of which it has
en productive to the country—who con-
ler the useful and splendid efforts made
its founder—efforts, which entitled him
t only to the praise of restoring the
erties of this country, but, in a great
gree, of Europe itself. No man who
s ever attended to the distresses which,
various periods of our history, war has
oduced, can doubt for a moment that
m the Bank of England not only the
vernment, but the commercial credit of
e country have received the most impor-
nt assistance.—It is to that assistance
one, so beneficially rendered on so many
ying occasions, that in the prospect of
milar exertions and efforts on the conti-
nt, we can look for support. The inte-
sts of the Bank of England, therefore,
rm a great and integral part of the pub-
credit of the state. In saying thus
uch, I wish to guard against the possi-
lity of mistake in any opinions which I
ay utter as to the view, which I entertain
on the subject, and the means of remedy-
g the evil, which is pretty generally
mitted. The only means which can be
fectually resorted to are to restore things
what they were previous to the year
797, when the restriction was first laid
on the Bank payments. Upon this
int of the case however I must declare,
at my great and ultimate object is to
store, with as much care and circum-
ection as may be fairly claimed by par-
al and particular interests, but at the
me time with as much promptitude as
ill more urgent considerations must dic-
te, the circulating medium to its original
ate—a state attested and proved by a
ng experience to be not less favourable
private than propitious to public pros-
rity—a state, every departure from
hich must be injurious to public credit
d national interests in the full propor-
on of the extent to which it is carried.

But here I am called upon to notice a
rejudice which has been strongly excited
gainst me and those who coincide with
e in opinion on this subject; a prejudice
at represents us as mere theorists, and as
tting up our theory against the conclu-
ons of practice and experience. With
spect to the theory which I mean to incul-
te, I have to observe, that it is the theory
those persons who in the best of times
unded the Bank of England; and if it
a theory to believe what will prove
practical good, if adopted, it is one built upon a solid basis, a metallic foundation. In this opinion I am not singular; for I have the satisfaction of knowing, that I am subscribing to the doctrines held by most of the practical statesmen of which this country has boasted; who had given to them previous to their adoption all the consideration and weight necessary to a right conclusion. They took the opinions of the best informed practical merchants and bankers, and of those most competent to give upon such a subject useful information: and the ministers of that day must have had but an imperfect notion of what was conducive to the interests of the state if they had neglected so to do. The most important, essential, and indispensable information is to be derived from all classes of practical men engaged in commercial pursuits. If, therefore, it shall be charged against me that I entered into the consideration of the subject with opinions preconceived, to that charge I was liable; and indeed I believe every member of the Bullion Committee might be charged with equal justice upon the same score. But, without considering whether it be possible to commence any such enquiry free from any such preconceived opinions, I shall venture to say, not only for myself but for the rest of the Committee, that no investigation ever was begun with a firmer determination to make the most ample, accurate, and impartial scrutiny into the subject, and to suspend judgment till that scrutiny was accomplished. (Hear! hear!) The names of the members of the Committee are a sufficient security perhaps for this, and render it unnecessary for me to repel any accusations on that score.

With respect to the Resolutions of my right hon. friend (Mr. Vansittart), it would have been a great convenience to me, if I could have guessed, which of the Resolutions I have proposed are to be controverted; but that I cannot even guess. The last of my right hon. friend's Resolutions gives me all I can wish; for it admits, that it would be expedient to remove the restrictions, with this qualification however, "but not prior to the term of six months after conclusion of a definitive treaty of peace." I was fully prepared for hearing doctrines in opposition to what I should state; which doctrines have up to the present day been doubted. To shew the fallacy of such doctrines, I shall endeavour to satisfy the Committee, that the causes of the high price of bullion are not attributable to the unfavourable state of the Exchanges, when the house delegated to the Committee up stairs full powers to inquire into the causes which led to the high price of gold bullion, and this great excess in the market price over that which is settled by the standard of the realm. Since that inquiry, the evil complained of has greatly increased. The standard price of gold is 3*l.* 17*s.* 10*d.*; last summer it was as high as 4*l.* 10*s.*; this year as high as 4*l.* 14*s.*; and in some tables it has been quoted as high as 4*l.* 18*s.*; but on comparing these with other tables, it is perfectly clear that the average is 4*l.* 14*s.* being an excess in the market price of 20 per. cent. above the price settled at the mint. This high price of gold in the market, is most evidently a departure from the standard value of the coin of the realm. The lawful currency of the realm being coined gold and silver, all issues of paper money are of course nothing more than stipulations to pay in the lawful coin of the realm, just so much, as the issues of paper bear on the face of them a promise to pay. This being the case, the bank-note of one-pound, must be taken altogether as a stipulation, or agreement to pay on demand twenty-shillings of lawful coined money of the realm. Now, as bank notes of that value purport to represent gold and silver, and as the real value of a note of that discription estimated from the high price of the gold bullion above the price settled by the mint, is of course depreciated in value, the real quantity of precious metal which it will purchase is 15*s.* 10*d.* and it is no longer therefore, a quantity of gold and silver to the value of twenty shillings. I am prepared broadly to state and argue, that it has deviated from its original value to that extent. I do not expect that it will be controverted in this House, when I assume it as fact, that the legal standard of the realm is of great political importance to the interests of the country; that cannot be denied. No doubt, there have been periods in our history when many of our sovereigns imitated the conduct of arbitrary monarchs; and to support foreign wars, have debased the value of the coin of the realm. Parliament, however, has on all such occasions very wisely judged it expedient to urge them to restore it to its lawful value, and it has been uniformly so restored shortly afterwards. The last operation of this kind occurred in the reign of queen Elizabeth; since then a standard has been established both with respect to the fineness and the weight of the metal, which standard has hitherto remained unaltered. All the statutes upon the subject invariably provide that no legal tender in payment shall be made except in the current coin with reference to the standard; and by the 14th of the king no tender in silver of a sum above 25*l.* shall be good, unless reference to the standard as fixed at the mint shall be made. This is the law upon the subject, law so invariable, that there had never been the smallest question as to the point, up to the time when the restriction on the bank took place in 1797. Very different doctrines have indeed been broached since that period, which, however I have no doubt the House will consider as extraordinary and fallacious, as they are unfounded either in fact or reason. If we look to the law of the land, to the king's proclamations, or to the proceedings of parliament, on the subject of the lawful money or coin of this country, we shall find that one opinion only had prevailed on this very important point. From the early period in which it had first been taken into consideration, the greatest care and anxiety has uniformly been shewn to prevent any alteration in its value, either as to weight, standard, or fineness: but particularly to prevent the smallest diminution in any of these points.

With respect to what has been the invariable policy of our ancestors upon this point, I believe, no difference of opinion can exist. I come now therefore to a more recent authority. In the last regulation made on this subject, in the fourth year of the reign of George 1, there is in the Journals a Resolution of the House, that they would not alter the standard value of gold and silver; and to add to its weight and importance, this Resolution was sent up to the other House for their concurrence, to which the Lords immediately agreed; and it thus became a Resolution of both Houses of Parliament, that they would not alter the gold or silver coin of the kingdom, either in weight, standard, or fineness. After such peculiar care and attention had been then paid to the standard value of the coin, in both these precious metals, not only by the greatest statesmen, but by the parliament of that time, as well as in all antecedent periods, whenever the subject was adverted to, is it not very extraordinary that we shall now be told that there is no such thing as a standard—that it is a mere creature of

fancy, an imaginary phantom, that has
existence—but that it has crept into
minds and vocabularies of men, who
ve lately turned their thoughts to
subject, and had no business to remain
re any longer; such is the doctrine
ich has been lately resorted to, by
ny of the ingenious theorists, who have
ulged themselves, by writing and pub-
ing pamphlets, for the instruction of
t House, and of the public, since the
mmittee made a Report on the high
ce of bullion. It was at first said, that
depreciation in the paper currency of
country has taken place, but that
ound was found to be untenable; and
se ingenious gentlemen have at last
dly advanced this very extraordinary
l monstrous doctrine, that the conduct
all practical men goes to shew, that this
deal, and that they have all concurred
opinion that there has never been any
h thing as a standard, either as to law,
ight, or fineness. The first gentleman
o published his thoughts upon the sub-
t, did not, indeed, bring this doctrine
ward till the second edition of his work,
d he then introduced it with a dexterity
d delicacy peculiar to himself, and
ich certainly did no small credit to his
ilities, so far as a change of argument
nt from one broad position, to its direct
nverse. This gentleman who is cer-
nly a man of eminent talents, was at
st greatly puzzled; but at last he found
t what was meant by standard, and hit
on this "that a unit must be found to
ake it; that the interest of 33*l.* 6*s.* 8*d.*
ree per cents. being 1*l.* was that unit,
d that interest, of course, being paid in
Bank note, it was money of account."
is is a deduction which goes far beyond
e ideas even of any Aristotelian theorists
have ever heard or read of, and in my
ind appears to be no standard at all.
ow money of account can be called or
ken to be a standard, a measure of cir-
lating medium, of a commercial coun-
y, which has in all times before been
unded on the precious metals as its basis,
can by no means account for. This
eculative standard was followed by
other still more remarkable, emanating
t from a theorist, but a practical man;
d this gentleman has called in, to aid
his fanciful work, all the ingenuity and
etaphysical reasoning, he could muster,
convince the public that a Bank note is
stract currency. Another author, how-
er, has broached a doctrine still more
remarkable; for he says, that "standard is neither gold nor silver, but something set up in the imagination to be regulated by public opinion."

From these abstract and curious opinions I shall appeal to the law of the country; and I hope we shall hear from some of the hon. gentlemen opposite, who are taking notes, all these wild theories disclaimed; and that they will not advert to any standard but that recognized by the law. These theorists gave an important admission of the fact, that a departure has taken place from the standard value. Before I leave this part of the subject, I shall refer to the third resolution of my right hon. friend, premising, that my resolutions stated, "That the actual value of a 1*l.* note is less than the nominal value." In answer to that proposition, for it must be taken as an answer, my right hon. friend has said, "That bank notes are held to be equivalent to the legal coin of the realm, in all pecuniary transactions to which such coin is legally applicable." In the amendments made to these resolutions, it is stated, "That promissory notes of the Bank of England are held in public estimation, and generally accepted." In the resolution thus proposed, his right hon. friend has not denied the statement set forth by me, namely, that the value of a one pound note is less than it ought to be. I am prepared wholly to deny the assertion of my right hon. friend, that bank notes are held in public estimation equivalent to coin; for I must contend, that public estimation is quite the other way; and were it not for a notion of law, which most people have got in their heads, there would be found in every market in the country, in every shop almost, a distinct price would be established in estimation for the Bank of England note and specie. It is well known that the king's coin has totally disappeared, and that there is no money but that of the Bank.

With respect to the word coin, what is it? Does it make any difference as to the standard? The coin is the King's assurance to his subjects that their property shall be protected; that the coin shall be of that fineness and weight necessary to give to all in their dealings an equal security and an equal participation of justice. To say, then, that bank notes are held in public estimation equivalent to coin, is to evade altogether the argument. The question is one wholly of fact. Is the Bank of England note worth what it purports to be worth? It certainly is not; as I shall shew presently. It has been correctly asserted by an hon. gent. opposite in his book, (Mr. Huskisson) that as things now stood a light guinea would pass for more than the value of a heavy guinea. When a guinea is worth more than it formerly was, see to what it will tend. Suppose, for instance, a person is indebted to another 26*l.* and he is called upon to discharge that debt, which ought to be done in the lawful coin of the realm, he must give his creditor, if in silver, at the rate of 5*s.* 2*d.* per oz. 100½ ounces; but suppose he should give him 26*l.* in notes, they would, in consequence of their depreciation, only purchase 86 ounces and two thirds. So far then from Bank notes being equivalent to the standard value of coin, a debtor might discharge a debt of 26*l.* in Bank paper, which, if converted into silver, would only produce 86 ounces; whereas, by the lawful standard of the realm, the creditor is entitled to receive 100 ounces, the Bank note of 1*l.* being now worth something less than 16*s.* If this be so, then it becomes necessary to ask who are to blame, and where the remedy for the evil is to be found? In that respect it is only necessary for the House to institute an inquiry, and from the evidence adduced to form its conclusion where the remedy is to be provided.

The most important consideration to a civilized nation is the standard value of coin. All civilized nations have at all times considered a measure of value as essential to the interest of the state. If our measure of value be deteriorated or lost, then it becomes the legislature to provide a remedy. What is the consequence of this deterioration? it is the cause of infinite loss to creditors, has a great effect upon monied incomes, gives an undue advantage to debtors, and affects materially persons holding stations in society, which property of that description gives. The revenue was injured and taxes ceased to be productive, for the money paid into the King's exchequer would not do that, which it was calculated it would be sufficient to do. In turning our attention, therefore, to the most effectual and expedient remedy for the existing evil, it is in the first place necessary for us to ascertain the cause. All that has been urged by the adversaries of the Bullion Report in explanation of the present state and circumstances of our currency and circulation appears to be reducible to two points:—first it is said that gold has experienced an actual rise in its real value from a positive scarcity, and secondly it is stated that the unfavourable state of the Exchequer has caused a local rise in its price at home. The first of these positions implies that the demand for gold has greatly increased on the continent; the second has no foundation whatever in fact and is in my opinion a complete fallacy. The money value of gold cannot rise in this country. Its real price is unquestionably subject to all the variations arising from the increase or diminution of the amount of the supply: but its standard value as a measure of exchange cannot possibly fluctuate under any change of circumstances. In Africa, and many parts of the East, salt is the common measure of value. It is quite obvious, that salt is an article, the real price of which must often vary: but when it is used as a common measure of value it is as immutable as any other article; and the apparent variations in it as a standard are in fact variations in the prices of other commodities estimated by that common measure. In like manner in those countries where silver is the standard, the money price of silver can never vary:—and, in Great Britain, where gold constitutes the standard, it is impossible that any change can be produced in its value as a measure of exchange. The only effect, therefore, which can take place by any diminution of the circulating medium in any country, must be to make all commodities cheap, and I will put it to the Committee whether by the disappearance of specie, any such effect has been produced in this country.

But let us look to those periods, when an unusual demand for coin reduced the quantity in circulation, and decide from what happened then, whether a diminution of the amount in circulation or an occasional demand for coin had the effect of raising the money price of gold. In 1795 there was a great scarcity of gold arising from the large sums which were necessary to be paid in that period of scarcity for foreign grain. In 1796 there was an unusual demand for specie, as also in 1797 for internal purposes, and from the apprehension of external danger, the practice of hoarding was carried to a very great extent. Yet during the whole of this period not the smallest rise took place in the market price of gold. On one occasion only and to meet a particular purpose a very small quantity was imported n Portugal at the high price of 4*l.* 8*s.* ounce, including the loss by exchange the expence of freight. But, Sir, I go farther and state that from the 7, to the year 1796 inclusive, there had n no regular or sensible, nor indeed alteration in the market price of gold, s most clearly proved by the very va- ble document on your table from the nt.

With respect, however, to the alleged e in the price of gold on the continent, m ready to admit, as I believe, that ne, though small, rise has taken place ere. But this rise bears no sort of pro- rtion to the rise, the extravagant rise ich has taken place in this country. consequence of the excess of the im- rtation of silver above gold, it has un- ubtedly been found necessary to revise d regulate the mint values of the two ecious metals, so as to make them cor- spond with the proportion they bear to ch other in the general market of Eu- pe. From the cause I have mentioned, e increased importation of silver, there- re, gold has accordingly risen some- hat in value as compared with silver, in ose states where silver is the measure of alue; and silver has sunk somewhat in alue as compared with gold in those ates, where gold is the measure of value. t Paris a new mint has been established, y the regulation of which such an altera- on in the relative values of gold and sil- er has been effected, as makes the pro- ortion of their mint prices correspond ith their proportions of price in the arket. By an account which I have ately received of the prices current in at city, I find that on the 16th of April nglish pure gold was worth only 3*l.* 19*s.* *d.* per ounce there. The prices at Ham- urgh nearly correspond, at Amsterdam he English guinea sells for 12 guilders nd a fraction, whereas a 1*l.* note passes or little more than seven guilders. But t is not the gold alone that has undergone his extraordinary rise in the market. Silver also has risen considerably in price, and as this is not to be attributed to any diminution of the amount of supply, it can be traced to no other source than to the depreciated state of our circulating medium. Instead of any diminution in the supply of silver, our importations of that precious metal have greatly increased. From the situation of the continent, and the circumstances of the contest in Spain, and the consequent influence of such a state of things upon the Spanish colonies, Great Britain has become the channel through which the supply of silver is distributed to all the countries of Europe. Add to all this the fact, now too well known to be controverted, that the great drain of silver to supply the East Indies has been stopped, and I will ask the Committee whether the rise in the price of silver is to be ascribed to the scarcity of that article in the English market.—I will ask any hon. member who heard me whether it can fairly be attributed to any other cause than the depreciation of our circulating medium?

But it is not alone from the extraordinary rise in the market prices of the precious metals in this country; a rise not to be accounted for on the ground of any correspondent rise in the markets of Europe, that the depreciation of our currency is demonstrable. The equally extraordinary rise in the prices of the necessaries of life, not as compared with the precious metals, but as compared with the actual circulation, affords a clear and convincing proof of its depreciation. The great and paramount standard of all value, Sir, is corn; and in order to enable the Committee to form an estimate by this standard, I shall beg leave to call the attention of gentlemen to the extravagant rise which has within the last few years taken place in the prices of that article. For the sake of greater precision and to avoid any possible cavil, I propose to leave out of my consideration, the prices in those years in which any considerable scarcity has been felt.

It appears, from the Appendix to the Bullion Report, that, from the year 1771 to the year 1785 inclusive, a period of 15 years, the average price of wheat was 46*s.* per quarter. It also appears that from 1786 to 1797 inclusive, being a period of twelve years, the average was 52*s.*, but omitting the years 1795 and 1796, which were years of peculiar scarcity, the average was 47*s.* and 2*d.* Since the year 1797, however, a very different rate of increase will be found to have taken place, from that which existed between the two periods I first mentioned, as will be seen from the statement I am now about to submit to the Committee. During the period of twelve years from 1797 to 1798 inclusive, omitting altogether the two years 1800 and 1801 as years of scarcity, the average price of the quarter of wheat was 71*s.*; and if the two years of scarcity were included would amount to 79*s.* (hear! hear!) What facts can possibly be required more strongly and indubitably to prove the incontestible depreciation of the currency? What evidence more decisive of that circumstance can be produced than that, whilst the precious metals, the practical measure, and bread corn, the real standard of all value, have maintained their due proportion towards each other, and both have equally risen as compared with our circulating medium, that such circulating medium is depreciated precisely to the amount of the rise of those real standards above its actual value? An unfavourable state of foreign trade has, I am very ready to admit, a strong tendency to lower the rate of foreign exchanges; but the influence of this cause must necessarily be confined within certain limits. Admitting for the sake of the argument, however, what I know not to be the case in fact, that the whole of the existing depression of exchanges is a real depression without any reference whatever to the depreciation of our currency, yet I must most strenuously deny, that such a depression of our exchanges could possibly have the effect of raising the price of gold. It will be readily admitted to me, even by the most violent opposers of the principles laid down and asserted in the Bullion Report, that the foreign exchanges have during the last century been subject to occasional and considerable depressions: yet I challenge any gentleman to produce a single instance during the whole of that period in which the depression of the rates of exchange has had the effect of enhancing the price of gold. I can upon this point appeal with confidence to the papers upon our table: I can refer to the return made from the mint of the prices of gold for the last hundred years, and I am prepared to contend, that the result of the most diligent examination of its contents will be to prove that the alterations to which the exchanges may have been subject during that period have never produced any corresponding effect on the prices of bullion.

Yet, Sir, the present depressed state of the exchanges (unexampled as it is in the history of the country, except in periods when the national currency has been debased) is a point which not only deserves attention, but calls for immediate investigation. In the reign of William 3, and in the seven years war, the exchange fell 25 per cent, and guineas rose to 30*s.* but since those periods there had not, it was clear, been any instance whatever upon record. Suppose even that I were to allow, for the sake of argument, that the balance of trade has of late years been extremely unfavourable to this country; still there will be considerations arising from that supposition which deserve the most serious attention of parliament. It is allowed that the principal article of import in the last year was grain, and that import was enormous. Now, it appears to me, that the House should most seriously consider what could be the reason that produced a necessity for an importation of about 2,000,000 of quarters in one year, which was not a year of famine. When we consider the great part of our population which is employed in manufactures, and the great and increasing portion of that population which is on the list of paupers, no man can look to the possibility of another year of dearth without feeling the most painful and serious alarm. I look upon this increase of the price of corn as a very strong argument in support of the opinions which I have taken the liberty to state to the Committee.

Nothing can in my mind more effectually shew the depreciation of the relative value of our currency, than the fact, that although by the alteration made in the corn laws, in 1793, the price of 54*s.* was fixed, as that under which no grain should be exported, it became necessary in 1804 to raise that protecting price to 66*s.*; and so rapid has been the depreciation of money, that, if it be intended to carry on the system of protection, it will be now necessary to raise this protecting price to above 70 shillings. The whole question, therefore, as far as the balance of trade is concerned, rests on the real state of our foreign payments. What that is, it is difficult to discover. I am disposed to trust those who have the means of information in their hands, and who have declared that that balance from the foreign expenditure is greatly against this country. And yet, if the Committee look at the accounts on the table, they will see that the excess of exports over imports has been much greater than formerly, particularly during the last two years. The official value of the imports of 1811 was 33,100,000*l.*; of the exports 45,800,000*l.*; leaving an excess of 12,700,000*l.* The details, too, of this excess are still more satisfactory. The exports of cotton manufactures during the two years were nearly double, what y had been in the two years preceding. v these statements can be reconciled the present arguments and declara- s, I am yet to learn. The question y, indeed, be explained by shewing that military expenditure made up the dif- nce; but at present it is wholly unex- ned. It is now, however, for the first e intimated, that the balance of trade been so unfavourable to this country, to render the exportation of bullion olutely necessary. But the Com- tee will recollect, that in 1808 and 9, when this great excess of exports stated, by the right hon. gent. op- ite, (Mr. Rose), I expressed my doubts, h respect to the real nature of it. In last session, during the discussion of the ds Commissioners Speech, the right hon. t. opposite also contended, that although re was a great foreign expenditure, the excess of exports was so considera- , as to leave the balance very much in favour. Now, Sir, how is this recon- able with the present argument. But, n if these two statements could be re- nciled, I contend that they would not w the true cause of the present state he currency of the country. It has r been the opinion of the best prac- al as well as theoretical men, that the itimate depression of the real exchange st necessarily be limited by the ex- nce of the transmission of specie; and t where it is found that the depression ceeds that limit, such depression must vitably arise from some circumstance nnected with the currency of the untry.

There are two changes of value, of ich the domestic currency of any coun- is susceptible: the debasement, to ich metallic currency alone is subject; d excess, which more particularly be- gs to paper. The returns from the int, which are inserted in the Bullion port, afford satisfactory and full infor- ation on this point. It will there be und that from 1758 to 1773, during the basement of the coin of the country, a preciation of the circulating medium ok place. As to an excess of metallic rrency, that can take place only in untries possessing mines; and even there ly to a small extent, and for a short pe- d. Thus it will be found, that in Spain ver, and in Portugal gold, are generally little lower after the importation from e mines, until the superabundance is transmitted to other countries. The evil in such cases remedies itself. But in countries in which paper is not convertible into specie, excess admits of no remedy; and if the excess be without limit, equally indefinite must be the effect it will produce on foreign exchanges. The doctrine of exchanges, is now as clear and indisputable, in my opinion, as any question in mixed mathematics; and the only means that exist of repelling its deductions is the production of mutilated facts, and imperfect statements, with the quotations of parts of cases, the remainder being either unknown or studiously concealed. This practice has been pretty generally adopted out of doors; but at least it is incumbent upon those who set up their new cases to account for those brought forward on the other side. But though I conceive the principles of foreign exchanges to be perfectly known and settled, yet it is very possible that some cases may be stated which would puzzle those who are quite right in their general reasoning. If those cases, however, are examined which appear to militate against the natural deductions of reasoning from established principles, it will be generally found, that in such cases even as are stated so confidently, some material parts are almost always suppressed. Thus, for example, one may be deceived by statements about the rate of exchange, unless the state of the currency of the different countries is mentioned. For example, it was stated last year, that the exchange with Portugal was at par. The reason of it, however, was, that by law in Portugal one half of every debt or bill is paid in paper, which is depreciated 26 per cent. Therefore, that which was last year stated as an exchange at par was, in reality, an exchange of 13 per cent. against us. So with Sweden, the state of our exchange is also wholly attributable to the discount on the paper currency of that country. In all countries, indeed, with which we have any thing like a settled course of exchange, the same alteration has taken place in the exchanges; as at Paris, Hamburgh, and Amsterdam. I am not perfectly apprised of all the circumstances attending the exchange with America; but I understand that in May 1809, the course of exchange was at a discount of nearly 11 per cent. and that at present it is about 10. In the West Indies, the premium on bills, which used to be from 15 to 20 per cent. is now only 5. I am informed likewise, that a similar effect has taken place in the East Indies, and that bills drawn on this country at Calcutta, are at an exchange of 22 per cent. against us.

But, in order to place this point in a stronger light, I must beg to call the attention of the Committee to the state of the exchanges between Hamburgh and the capitals of the continent. At Vienna, the par with Hamburgh is 146 guilders; the exchange at present is 900 guilders! To what is this attributable? To the depreciated state of the paper in Vienna. The paper currency of Sweden is also depreciated: and what has been the consequence? The consequence is, that although the par with Hamburgh is 48 stivers, the present exchange is 136! In Copenhagen also, in which the paper is depreciated, and in which the par with Hamburgh is 125 rix dollars, the present exchange is from 750 to 800! But at Paris, in which there is a metallic currency, and no depreciation, the par with Hamburgh being 184 livres, it appears, by the last return, that the exchange is 180—being four in that number in favour of Paris.

How is it possible, Sir, after hearing all these facts, to resist the inference, that a main cause of the present situation of our exchanges is the state of our currency? But farther by referring once more to the returns from the Mint, it will appear, that in 1792 and 1793, the exchanges with France, fell from 22 to 17, to 15, to 12, to 9, to 4, and ultimately to nothing. Nobody has ever pretended that this was owing to any thing but to the enormous paper currency, the assignats of France at that period. Seventy years before, when there was an excessive issue of paper in France, an issue not so infamous as that to which I have just alluded, of assignats, but an issue for the purpose of executing a wild and visionary scheme,—I mean the famous Mississippi Scheme, the exchange of Paris with London fell from 28 to 22, to 15, to 10, and eventually to 7. When also a project of a similar nature was set on foot in England, in 1720, the price of standard gold in bars rose as high as 4*l.* 2*s.* 6*d.* per ounce, a rise which could be owing to nothing else but the diseased state of the circulation in London. All these facts therefore, I maintain tend to prove the accuracy of the conclusions to which the Bullion Committee has arrived: Can more direct evidence be demanded of the excess of paper money? But I shall stop to consider this point for a moment During the restriction on cash payment the excess might be occasioned in tw ways; one by the Bank issuing mor paper than could be absorbed in the general circulation; the other, a give amount being already out, and a chang in trade rendering that amount more tha sufficient for the general circulation, b the Bank abstaining from withdrawing portion of that already issued. On an examination of the evidence given by th Bank Directors before the Bullion Committee it will appear, that although th restriction on the cash payments would o itself have created an excess, yet the Ban increased that excess by issuing an additional quantity of paper. And here, Si I wish particularly to call the attention o the Committee to the increase of Bank o England notes even since the investigation and Report made upon the subject b the Bullion Committee. By the Repor of the Committee the average of the note in circulation in 1809, is stated to be 1 millions: the average of the last half yea of 1809, to be 19,800,000*l.* the averag down to the 12th of May 1810, to b 21,200,000*l.* By the documents now o the table, it appears, that the average o the Bank notes in circulation taken for th whole of the year 1810, rose to 22,700,000 and that the average of the first 17 day of the present year was 23 millions and half; being an increase in the number o Bank notes in circulation of above 2 millions, since the Bullion Committee mad their Report. To me this appears one o the most wanton, and unjustifiable acts tha can well be conceived. I understand tha it is to be defended on the ground, tha such commercial distresses unfortunately existed in the last year, as the Bullio Report itself pointed out as the prope subjects of relief from the Bank. Bu whatever may have been the nature o those distresses, the want of money ca certainly not be one of them; for money was in abundance. What other defence of their conduct in this instance the Bank can set up, I know not. But this I d know, and assert with confidence, that the doctrine of the Directors of the Bank, as set forth in the minutes of evidence before the Bullion Committee, is wholly novel and quite inconsistent with the principles by which the conduct of the Bank Directors of former days were governed. It is a doctrine which, if not checked by parliamentary interference, must soon bring complete ruin on the whole of the financial and pecuniary affairs of the country.

What, I will ask, was the situation in which the Bank of England has been placed? It is not my wish to impute to the Bank any original blame, or to revive the controversies of former days. The existing evil is sufficient without any such recurrence.—In the origin of the business I do allow that the Bank was placed in compulsory circumstances. The Bank directors were forced to suspend their cash payments. But still, influenced by the true and sound principles, which had influenced their predecessors, the directors were anxious to resume those payments, and made such exertions to return to the good old practice of discharging their notes in specie, that in the month of October, in the same year, they declared their willingness and wishes to return to their former system. Parliament, however, then declined the removal of the restriction; and that which was first enacted as a temporary measure for only 50 days became a permanent war measure. The Bank directors being then placed in a new situation, had new duties imposed upon them, and they should have exercised with great judgment and exemplary moderation, the discretion which was thus vested in them, of issuing their paper without check or restraint. It had been before that period a part of the royal duties and cares to provide a sufficient and proper proportion of circulating medium for the use of the nation. There was, however, under such circumstances, little danger to be apprehended from an over issue of gold and silver coin of standard fineness and value. But when it devolved on the Bank directors to provide in paper, not convertible into gold or silver, whatever quantity of circulating medium they thought proper, and when it is considered what temptation they had from feelings of private interest to make large issues, it is extremely important to attend to the new maxims and opinions which the Bank directors seem now to have adopted.

And, upon this part of the subject, I must be allowed to say, that the Bank directors appear to me to have been and to be evidently and avowedly unacquainted with the sound principles, which ought to have governed their conduct under such trying circumstances. Their doctrine, as appears in the evidence taken before the Committee is this, that there can be no excess of issue, with regard to their paper, as long as it is demanded; that the extent of the demand ought to be the only limit; and that the rate of interest makes no difference whatever in the consideration of the amount to be issued. I beg leave to call the attention of the Committee on this part of the subject to the evidence given by the Governor of the Bank of England, a most respectable individual, Mr. Whitmore.

When that gentleman was asked, "Does not a rise in the value of any species of money or currency mean a fall in the prices of commodities?" He answered; "I did not mean to state that, nor do I mean to state to the Committee any matter of opinion; I would rather wish to leave that to the judgment of the Committee, and I am ready to answer any points of fact." And again when asked, "Supposing the currency of any country to consist altogether of specie, would that specie be affected in its value by its abundance or by its diminution, the same as copper, brass, cloth, or any other article of merchandize?" His answer was; "I have already said that I decline answering questions as to opinion; I am very ready to answer any questions as to matters of fact; I have not opinions formed upon the points stated in this and the preceding question sufficiently matured to offer them to the Committee."

This was certainly most candid and perfectly intelligible on the part of Mr. Whitmore. But I will ask any hon. gent. whether it is equally reconcileable with the line of strict duty, and deliberate discretion, which ought to have regulated the conduct of the Bank directors under such circumstances? Surely the head of an establishment, to which the discretionary power of feeding and adjusting the circulating medium, ought not to have been so uninformed upon the first principles of the operation entrusted to his management, and should at least have furnished himself with the means of forming a distinct opinion upon so important a branch of the subject? It was to have been expected that the governor of the Bank and the other directors should be acquainted with the plainest maxim of political economy, that the rise in the value of money or currency is equivalent to a fall in the prices of commodities. This, however, seems never to have occurred to the governor or the other directors of the Bank, and to this negligence or ignorance on their part may be traced the cause of the excessive issue of paper which has taken place. The Committee are aware that by law the Bank of England is restrained from taking more than five per cent. for their discounts. When the Committee, therefore, considered the spirit of speculation and extravagant commercial enterprise which appears to have prevailed during the last three years, it very naturally occurred to them, that in the hope of considerable profit from such undertakings the adventurers might be inclined to apply for a greater amount of discounts than the natural circulation of the country would require, and that in this way an excessive issue might have taken place. With a view to ascertain this point, they examined the governor and deputy governor of the Bank as to the principles upon which they limited the amount of their discounts. The Bank could take no more than five per cent: the speculators might flatter themselves with the prospect of a larger profit by extending their applications for discount at that rate, and hence it became necessary to inquire into the practice of the Bank upon the subject of discounts, and to learn whether there was any thing in the amount of the discount or the circumstances of the application that could be considered as a settled principle and an invariable security against improvident and excessive issue. With this view Mr. Whitmore was asked:

"Is it your opinion that the same security would exist against any excess in the issues of the Bank, if the rate of the discount were reduced from five to four per cent?—Answer: Mr. Whitmore.—"The security against an excess of issue would be, I conceive, precisely the same."—Mr. Pearse.—"I concur in that answer."

"If it were reduced to three per cent?—Mr. Whitmore.—"I conceive there would be no difference, if our practice remained the same as now, of not forcing a note into circulation."—Mr. Pearse.—"I concur in that answer."

And again: "You have stated, that the control which guards the public against any excess in the issues, is that no person would be disposed to pay at the rate of five per cent. interest to the Bank for the use of their notes, if his occasions did not require such an advance, and this is the criterion by which you judge of the occasions of the public being adequately supplied; might not such person be disposed to obtain this accommodation from the Bank, if any prospect offered itself to his speculation by which great profit might be derived from the use of a capital so obtained, although the wants of the circulation might not require any such addition?—Mr. Whitmore. "In my view of the subject, nobody would pay three per cent. interest even, or any interest of money unless it were for the purpose of employing it for speculation; and provided the conduct of the Bank is regulated as it now is, no accommodation would be given to a person of that description."

It must be evident to the Committee from the part of the evidence of these gentlemen which I have read, that the Bank directors had no fixed or settled principle to go by in regulating their discounts, and that their issues have been limited by no other consideration than the extent of the demand. Is it to be wondered at then, if the circulation of their paper has increased to the amount to which I have already stated it to have been carried, or that the effect of such a growing and indefinite accumulation should have been the depreciation of the currency to which I am anxious to fix the attention of the Committee? In point o fact, it is obvious, that whilst the Bank directors found good names on the pape presented to them for discounts, which promised to secure them from eventual loss, they sent forth their paper into circulation without ever attending to the injurious consequences to the public that must result from any over issue.

With respect to the Bank restriction measure, which upon any sound and hitherto received notions upon the subject cannot but be considered an evil, justifiable only upon the ground of the greater magnitude of the evil which it was intended to prevent, the Bank directors appear to entertain equally strange and singular opinions. The Committee well knowing that no excessive issue of paper could take place whilst Bank notes wer optionally convertible into specie, ver naturally considered that measure as th original source of the present excess o paper. They were anxious, therefore, t ascertain the sentiments of the governo and deputy governor of the Bank upon th subject, as they had previously come at knowledge of their opinions respectin their issues and the limits they though fit to put to them. Accordingly M Pearse was asked:

"What inconveniences would you se

in your view of the operation of the restrictive system, to its being a permanent measure, supposing the Bank to regulate its issues in the manner you have described?" To which he replied, "From our experience, and in my view of it, I can see no positive inconvenience likely to result from its being a permanent measure, nor do I see any advantage that will arise from its being continued when our political and commercial relations will admit of its removal; and I am further of opinion, that in addition to the satisfaction, which, as a Bank director, I should derive from the removal of the restriction (when the necessity for it ceases) the feelings of the public would not be satisfied, unless it had in expectation such a change."

In this opinion Mr. Whitmore concurred. Now I will ask any hon. gent. who hears me, whether he can contemplate the permanence of the Bank restriction, to which these gentlemen can perceive no objection, without the most serious and alarming apprehensions? Undoubtedly no inconvenience will be felt by the Bank, whilst it enjoys the lucrative traffic in discounts, which has produced to it such an enormous amount of profits since the restriction was first imposed. But will not the public be exposed to inconvenience? Is it not at this moment suffering all the evils which a depreciated currency and the total disappearance of the precious metals never fail to draw after them? And what hope of remedy, what prospect of redress of the crying grievance is there, unless by the removal of that restriction, the public in the convertibility of paper into specie shall have a security against the imprudent and excessive issue, which has led to the present depreciated state of the circulation? But let us see, whether, whilst the Bank directors have placed no limit to their issues but the actual demand, that demand has or has not increased with the increased facility of issues, and the constant and acknowledged practice of the Bank. Upon this point, it appears that if the issues were limited by the demand, the demand has not been stationary. And indeed how should it? The facility of accommodation must have greatly tended to the encouragement of those desperate speculations which after having first deluged the country with a redundancy of depreciated paper, afterwards shook public credit to its foundations by the consequences of their failure. In this gradual and latterly grievous growth of discounts, we have a clear and convincing proof of the inadequacy of the maxims acted upon by the Bank to guard the public against an over issue of paper and all the evils of a depreciated currency. If we had no other proof of the fact, this alone would be sufficient to expose the fallacy of all their principles, and impress the Committee with the necessity of taking some effectual step, whilst there is yet time to counteract the existing evil, and to guard against its recurrence. But let us hear what Mr. Whitmore says upon this point. Upon being asked; "Since the suspension of the Bank payments in cash down to the present time has there been any material extension of its commercial discounts?"

Mr. Whitmore—"I find the commercial discounts have varied nearly in proportion to the Bank advances upon other securities; the amount of the Bank notes before parliament is a certain criterion of the aggregate of their advances on different securities to government; and on all securities the discounts have certainly encreased since 1797, owing, as I conceive, to the encreased trade of the country."

"Have they encreased in a very large proportion?"—"Within the three last years they have encreased considerably."

Do we require any thing more to satisfy us, that the whole of the evil, which has been most sensibly felt within these last three years, during which period the discounts have considerably increased, and consequently the circulating medium, is to be ascribed to the excess and necessary depreciation of paper? Can any doubt exist in the mind of any hon. gent., who reflects upon the subject and takes this admission of the Governor of the Bank into his consideration, that the great cause of the evil lies in the excessive issue of paper, and that whilst the power of regulating that issue upon the principles professed by the Directors of the Bank, is left to their discretion, the evil must progressively and incurably accumulate? The only security the public can have against the ruinous effects of the alarming and rapid course of depreciation, is, in the recurrence, as soon as circumstances of convenience to the Bank and considerations for the public interest will admit, to the old state of things, to a national currency consisting of a metallic circulation concurrent with paper convertible into specie at the will of the holder. Yet Messrs. Whitmore and Pearse can "see no positive inconvenience from making the restriction a permanent measure." However they admitted, "that the feelings of the public would not be satisfied, unless it had in expectation such a change," (a removal of the Restriction). Upon this point the Committee wished to be more fully informed by these gentlemen. They therefore, in a subsequent examination, put the following question to Mr. Pearse.

"If it were not for this feeling or expectation on the part of the public, should you be of opinion, that it would be expedient to continue the restriction as a permanent measure, inasmuch as it would not only relieve the Bank from the expence of purchasing and keeping a large supply of bullion, but also effectually protect both them and the public from a repetition of those inconveniences which first led to the restriction, and that these advantages would be produced without creating any other inconvenience by which they might be counterbalanced?"

Mr. Pearse. "I have already stated in answer to a former question, that I am not aware of any posive inconvenience resulting from the present operation of the restriction Bill, or likely to result from its being rendered permanent, except as far as regards an expectation on the part of the public that it will be removed; but this circumstance is, in my opinion, essential and cannot be kept out of view in any consideration of the subject. Whether it would be advisable to secure the public against a liability to the recurrence of the inconveniences that led to the restriction Bill, by sacrificing their feelings on this point, and absolutely removing all expectations of its being only a temporary measure, appears to me to be entirely a political question on which I do not conceive myself qualified to give an opinion, but I may venture to observe, that public credit and public opinion always go hand in hand, and that the one is invariably influenced by the other. As far as concerns the keeping of bullion, I am of opinion that the Bank does not entertain a wish to be relieved from having a large supply, having in this, and all other instances, always governed itself by an attention to the public interest as well as its own."

Unquestionably this statement of Mr. Pearse's falls short of a distinct and positive declaration of an opinion, that the restriction of cash payments ought to be made a permanent measure. But it is quite evident that the possibility of its being made a permanent measure, had passed through that gentleman's mind when he could have been brought himself to declare that "he was not aware of any positive inconvenience resulting from the present operation of the Restriction Bill or likely to result from its being rendered permanent." Now, when to this declaration we add the doctrine maintained by both the governor and deputy governor of the Bank, that there can be no excessive issue of paper, as long as the actual issue is confined to the existing demand for it, and also the very zealous and active part taken by the Directors of the Bank in the discussion of this question out of doors, enough appears in my humble judgment to warrant the conclusion, that the proper checks have not operated upon the Bank issues, and that consequently the present depreciation of the currency is entirely owing to the excessive issue of bank notes. It seems, however, that there is a large class of merchants in the metropolis, who, filled with the same erroneous notions as the governor and deputy governor of the Bank, deny this obvious conclusion, and still continue to contend that, regulated as the operations of the Bank are regulated, there can be no excess of paper currency. But whatever may be the weight and respectability of these gentlemen, and no man can be more ready than myself to do justice to both, I must still contend that their view of the subject is fallacious and false, and in this opinion I am fortified by the concurrence of a very large majority of the mercantile community—a majority consisting of all the great old capitalists of the city, whose practice and praise it has been to have supported through good and through evil times the commercial credit of Great Britain. These gentlemen, to whose authority on such a subject as this, now under our consideration, the Committee will, I am sure, be prepared to show every deference and respect, are decidedly of opinion, (contrary to the visionary speculations of those to whom I have just alluded) that the issues of the Bank have not been regulated by the principles, or the precedents of good old times; and that the departure from the previously established regulations at the Bank has indisputably led to the depreciation of the currency to which it is now my object to direct the attention of the Committee.

Amongst the eminent and distinguished commercial men who coincided in the views of this question taken by the Bullion Committee, I can refer with confidence to a most respectable individual now unfortunately no more, (the late sir Francis Baring) whose opinion, no less from his known integrity, than his extensive commercial experience, and highly cultivated intellect, is entitled to as much consideration and attention as that of any other individual in the whole range of the mercantile community. It was the opinion of sir Francis Baring, that there could be no security against an excessive issue of paper, unless in the optional convertibility of paper into coin. The Committee were anxious to ascertain precisely the opinions of that intelligent merchant upon this subject, and with that view he was asked:

"Are you of opinion that any certain and adequate provision can be made against an occasional excess of paper circulation in any country, and especially in a commercial country, where that paper is not convertible into specie at the option of the holder?" To which he answered, "In this country, if I may judge from experience, I should doubt it; but if the Bank conducts itself upon the same principles at present when they do not pay specie, as they did when they were compelled to pay in specie, I should think that it might be safely left to the discretion of the Bank."

And again, "What do you mean by that experience in this country which leads you to doubt it?" "I mean that in the year 1797, and some years previous to that, the issue of the Bank notes was not more than 11 millions sterling; I have seen a printed paper, which has been laid before the House, in which it is stated that the circulation at present of Bank notes exceeds 21 millions; I am decidedly of opinion that it is more than can circulate with safety to the general circulation of the country."

With respect to the doctrine laid down by the governor and deputy governor of limiting the issues only by the demand, sir Francis Baring was asked; "Do you conceive that the Bank of England will effectually guard against the possibility of any excess in the circulation of the country (as well their own as the paper of country banks) if they regulate their issues by the demand for discounts of good bills founded on real mercantile transactions, as the occasions of the public may appear to require?—It has been ascertained by long experience, that wherever paper has circulated under the power or influence of government on the continent, that it has failed. The paper of the Bank of England has stood firm for above a century, and flourishes at this moment with unabated confidence. The power reposed in the Bank is great; their paper is the basis on which the best interests of the country rests; it is the seed which serves to produce the whole of its commerce, finance, agricultural improvements, &c. &c. Such a power may remain with safety, so long as the Bank is liable to discharge their notes in specie, because that circumstance constitutes a complete counteraction to any disposition (if it should be entertained) to increase the circulation beyond a reasonable and safe limit, and, under that circumstance, things (foreign exchanges, &c.) will find their proper level."

So much I have felt it necessary to say, upon the subject of the evil. If I have succeeded in impressing the Committee with a conviction of its existence, and pointed out its great and primary cause, it will remain for the House of Commons in its wisdom to consider of and to apply the proper remedy. That, which, upon the most mature consideration I could give to this important subject in all its complicated bearings, has suggested itself to my mind, I am prepared to submit to the candid and deliberate decision of the Committee. I am fully aware, that many of those who do me the honour to concur with me up to this point in my Resolutions may differ from me as to the remainder. But notwithstanding any discouragement, which may arise from the defection of those whose support I may hitherto possess, I am not the less persuaded that the remedy pointed out by the Bullion Committee in their Report is the only measure that can be successful. It is undoubtedly a remedy of a description that ought to be administered with great caution, but which sooner or later must be resorted to. At the same time, however, I am free to confess that, if parliament were to stop short, even with a simple declaration of the existence and nature of the evil, such a declaration would have a powerful effect upon the conduct of the Bank of England, and consequently in checking the progress of the excessive issue and the increase of the depreciation. Yet, notwithstanding this impression, as a member of parliament I feel it my duty to propose a positive, efficient legislative proceeding upon the subject.

The only argument of any apparent force which I have yet heard against the repeal of the Bank Restriction act, is that which has been drawn from the state of the war in which this country is now unfortunately engaged. But however reasonable such a consideration may be ostensibly, I do not think it in reality of sufficient importance to deter the legislature from an endeavour to restore the currency of the country to a sound and legitimate state. Great as I consider the mistake committed in 1797 by the adoption of the Restriction act, I look upon the continuance of that act at the commencement of the present war infinitely more erroneous and impolitic. The former measure professed only to be temporary, called for by an unexpected exigency, and to be abandoned as soon as the circumstances that appeared to render its adoption necessary should have ceased to require its continuance. But the act of 1803, at the commencement of this war, took from it the character of a temporary measure, and gave it a permanent shape. Why should this have been the case? What difference did the state of war make? It was not in the exportation of bullion for corn, that the necessity or supposed necessity of the bank restriction originated. Every one knows, that the cause of the original measure was not an unusual exportation of bullion, but an unlooked for state of internal alarm—not a permanent evil but a temporary embarrassment. In the year 1797 a most extensive failure of country banks took place, which shook the foundation of internal credit and confidence, and consequently prompted the holders of every kind of paper to demand payment for it in specie, the value of which could not be affected by the failure or solvency of any banks. A run, therefore, immediately took place, and the legislature, at the suggestion of the Bank, but apparently on the recommendation of Mr. Pitt, resorted to the measure of restriction. In my judgment the adoption of that measure was most impolitic, because it was unnecessary; but at all events there was not a shadow of reason for continuing it in operation one moment after the temporary embarrassment that gave rise to it had passed away, and internal credit was re-established upon its former footing. There is no connection whatever between the original cause of the Bank Restriction act and a state of war:—the stagnation of internal credit might as well occur from such a cause in peace as in war;—and consequently the renewal of the Restriction act at the commencement of the present war cannot be justified upon any principle of necessity, the only ground of plausible defence that can under any circumstances be set up for so violent and suspicious a measure.

If the suspension of cash payments were actually a remedy for an evil existing, it might very properly have been resorted to. But when the evil was removed, the remedy was no longer necessary. Let the prescription be discontinued when the disease is removed. We should not apply the same medicine indiscriminately in sickness and in health. But as the restriction has been so long continued beyond the necessity that called for it, there might perhaps be some danger, there certainly would be much inconvenience, in putting an end to it abruptly. To be useful the measure of repeal should not only not be precipitate, but should be cautiously resorted to, and deliberately fixed for such a period as would allow full time to all the feelings and interests connected with this great national question to accommodate themselves to the prospective restoration of the old system of currency.

By the existing act, it is provided that the restriction shall cease six months after the conclusion of a definitive treaty of peace. This provision appears to me too indefinite in one view, and too severe in another. To put off the repeal to the uncertain period of six months after the termination of a war, the termination of which no man can possibly foresee, must render the Bank careless of making the necessary arrangements for the resumption of cash payments in time, and if a peace should happen to take place within six months from this period, it would be oppressive to call upon the Bank upon so short a notice to pay in specie. Anxious undoubtedly as I am that the restriction should cease, I am still no less anxious that it shall cease in a manner most beneficial to the community as well as least injurious to the interests of the Bank.

And here, I have no hesitation to say that, upon the fullest and most mature consideration, it is my firm and decided opinion, that even during a period of war, and particularly during the present war, there exists no solid ground for continuing the restriction, and that, therefore, it is e imperious duty of parliament to repeal at measure under the qualifications hich I have before stated. In the prent state of the world we have to look to protracted period of war. We have to ontemplate in the course of such a pronged contest, the continuance of a very nsiderable foreign expenditure. When e Committee reflect upon the melanholy fact, that we suffer a loss of nearly ne fourth of all the sums expended in reign service, they will agree with me s to the propriety of adopting such meaures as may restore the exchanges to par, nd consequently save to the nation all hat in the present state of our currency is ost by the unfavourable balance against s. Without the adoption of such meaures, the country cannot maintain for any ime such an extent of foreign expenliture as may be necessary to maintain its ormer high and mighty character amongst the nations of the continent, and to enable it to aspire, perhaps, to the future deliverance of Europe. I hope and trust, I shall not hear argued in any quarter that the depreciation of the currency is productive of a positive advantage to the public, as it enables the government to discharge the national debt at a reduced rate. I trust, that a declaration so contrary to every principle of public honour, of national faith, and parliamentary virtue, which it has hitherto been the pride and the boast of Great Britain to cultivate and maintain, will not be made on this occasion. I am far from imputing any such intention to the right hon. gentlemen opposite: because I am convinced that, if it can enter into any man's heart to conceive, that man must be a weak and short-sighted calculator. Such a man must forget, that although the public might gain something in the payment of the interest of the debt already contracted, it must lose equally if not more upon the loans which are yearly accumulating. But, it is not public justice alone, that calls upon parliament to arrest and remedy the depreciation of the circulating medium; we are bound by a regard to the degree of private suffering it produces throughout all classes of the community. This consideration must come so directly and forcibly home to the feelings and consciences of every member of the Committee, that I should consider it an insult to their understandings and an imputation upon their humanity, were I to dwell on the grievances to which public creditors, annuitants, and others are exposed by the present state of the currency, or upon the injurious effects it has upon all legal contracts and obligations. It is enough barely to advert to these circumstances: and therefore having trespassed so long already upon the patience of the Committee, I shall detain them no longer, but conclude by moving my first Resolution.

The honourable and learned gentleman then moved the first of the following Resolutions:

1. "That the only Money which can be legally tendered in Great Britain, for any sum above twelve pence in the whole, is made either of Gold or Silver; and that the weight, standard, and denomination, at which any such Money is authorized to pass current, is fixed, under his Majesty's prerogative, according to law.

2. "That since the 43rd year of the reign of queen Elizabeth, the Indentures of his Majesty's Mint have uniformly directed that all Silver used for Coin should consist of $11^{oz.}$ $2^{dwts.}$ of fine Silver, and $18^{dwts.}$ of Alloy in each pound Troy; and that the said pound Troy should be divided into 62 Shillings, or into other Coins in that proportion.

3. "That since the 15th year of the reign of King Charles the Second, the Indentures of his Majesty's Mint have uniformly directed, that all Gold used for Coin, should consist of $11^{oz.}$ of pure Gold and $1^{oz.}$ of Alloy in each pound Troy; and that the said pound Troy should be divided and coined into 44 Guineas and one Half-Guinea, or into other Coins in that proportion.

4. "That by a Proclamation of the 4th year of the reign of King George the First, it was ordered and directed, that Guineas and the several other Gold Coins therein named, should be current at the Rates and Values then set upon them; viz. the Guinea at the rate of 21 Shillings, and other Gold Coins in the same proportion: thereby establishing, that the Gold and Silver Coins of the Realm should be a legal tender in all Money Payments, and a Standard Measure for ascertaining the value of all contracts for the payment of Money, in the relative proportion of $15\frac{2859}{13640}$ Pounds weight of Sterling Silver to one Pound of Sterling Gold.

5. "That by a statute of the 14th year of the reign of his present Majesty, sub-

sequently revived and made perpetual by a Statute of the 39th year of his reign, it is Enacted, That no Tender in payment of Money made in the Silver Coin of this Realm, of any sum exceeding the sum of 25*l.* at any one time, shall be reputed in law, or allowed to be legal tender, within Great Britain or Ireland, for more than, according to its value by weight, after the rate of 5*s.* 2*d.* for each Ounce of Silver.

6. "That by a Proclamation of the 16th year of the reign of his present Majesty, confirmed by several subsequent Proclamations, it was ordered and directed, that if the weight of any Guinea shall be less than $5^{dwts.}$ $8^{grs.}$ such Guinea shall cease to be a legal tender for the payment of any money within Great Britain or Ireland; and so in the same proportion for any other Gold Coin.

7. "That under these laws (which constitute the established policy of this Realm in regard to Money,) no contract or undertaking for the payment of Money, stipulated to be paid in Pounds Sterling, or in good and lawful Money of Great Britain, can be legally satisfied and discharged in Gold Coin, unless the Coin tendered shall weigh in the proportion of $\frac{20}{21}$ parts of $5^{dwts.}$ $8^{grs.}$ Standard Gold for each Pound Sterling, specified in the said contract; nor in Silver Coin, for a sum exceeding 25*l.* unless such Coin shall weigh in the proportion of $\frac{20}{62}$ of a Pound Troy of Standard Silver for each Pound Sterling specified in the contract.

8. "That the Promissory Notes of the Bank of England are stipulations to pay, on demand, the Sum in Pounds Sterling respectively specified in each of the said Notes.

9. "That when it was enacted by the authority of Parliament, that the payment of the Promissory Notes of the Bank of England in Cash should for a time be suspended, it was not the intention of Parliament that any alteration whatsoever should take place in the Value of such Promissory Notes.

10. "That it appears, that the actual Value of the Promissory Notes of the Bank of England, (measuring such Value by weight of Standard Gold and Silver as aforesaid,) has been, for a considerable period of time, and still is, considerably less than what is established by the laws of the Realm to be the legal Tender in payment of any money contract or stipulation.

11. "That the Fall which has thus taken place in the Value of the Promissory Notes of the Bank of England, and in that of the Country Bank Paper which is exchangeable for it, has been occasioned by too abundant Issue of Paper Currency, both by the Bank of England, and by the Country Banks; and that this Excess has originated, from the want of that Check and Controul on the Issues of the Bank of England, which existed before the Suspension of Cash Payments.

12. "That it appears, that the Exchanges with Foreign Parts have for a considerable period of time been unfavourable to this Country, in an extraordinary degree.

13. "That, although the adverse circumstances of our Trade, together with the large amount of our Military Expenditure Abroad, may have contributed to render our Exchanges with the Continent of Europe unfavourable; yet the extraordinary degree, in which the Exchanges have been depressed for so long a period has been, in a great measure, occasioned by the depreciation which has taken place in the relative Value of the Currency of this Country, as compared with the Money of Foreign Countries.

14. "That during the continuance of the suspension of Cash Payments, it is the duty of the Directors of the Bank of England *to advert to the state of the Foreign Exchanges*, as well as to the price of Bullion, with a view to regulate the amount of their Issues.

15. "That the only certain and adequate security to be provided, against an Excess of Paper Currency, and for maintaining the relative Value of the Circulating Medium of the Realm, is the legal Convertibility, upon demand, of all Paper Currency into lawful Coin of the Realm.

16. "That in order to revert gradually to this Security, and to enforce meanwhile a due Limitation of the Paper of the Bank of England, as well as of all the other Bank Paper of the Country, it is expedient to amend the Act which suspends the Cash Payments of the Bank, by altering the time, till which the Suspension shall continue, from Six Months after the Ratification of a Definitive Treaty of Peace, to that of Two Years from the present Time."

Mr. *Rose* spoke as follows*:

The state of my health, as well as anxiety to avoid wasting the time of the Committee, will induce me to obtrude myself on their patience no longer than shall be indispensably necessary from the magnitude of the subject, and the detail into which the statements in the Report under our consideration will unavoidably lead me. Before entering, however, on these, I must make some observations on what has fallen from the learned member who has just sat down. In a speech remarkable for its eloquence and display of talent, he has relied more on his own views of the subject than on the Report of the Committee of which he was an active and distinguished member; aware, probably, how open that Report is to solid and unanswerable objections, and how contrary the opinions expressed in it are to almost the whole of the evidence in the Appendix.

I have a confident persuasion that, if my strength shall not fail me, I shall be able to shew to the Committee not only that there has been no depreciation of Bank paper from excessive issue, but that there are more errors and mis-statements in that Report than in any that was ever made to a House of Parliament. I feel confident also of shewing that if the recommendation contained in that Report were enforced by a law, a compliance with it on the part of the Bank would be utterly impracticable; and that if contrary to my conviction, it were practicable, and should be adopted by the Bank, not the slightest advantage would accrue to the public.

The learned gentleman, in the opening of his speech, stated that there were two descriptions of persons with whom he did not agree; the one, those who are of opinion that the circulation of paper alone is perfectly sufficient for the use of the country, and that there need be none of the precious metals; the other, those who maintain that there should be nothing in circulation except the precious metals. I certainly concur with the learned gentleman in differing from both those descriptions of persons. My opinion has invariably been, that although it is extremely desirable that a considerable proportion of the circulation should consist of the precious metals, yet that in the case of their unavoidable absence, the deficiency may be supplied by the circulation of paper without any serious inconvenience to the commerce of the country. I am, moreover, convinced that the issue of Bank of England paper can have no possible effect on the price of gold or on foreign exchanges; which will be proved from the experience of nearly a century.

The hon. gentleman next expatiated on the advantages derived to this country from the institution of the Bank of England—a point on which, I presume, we are all agreed; though very different sentiments will be entertained in regard to the observation which he added; namely, that unless the Bank should regulate its future conduct in the manner recommended in the Report of the Committee, it would very soon cease to contribute to the national prosperity. He dwelt much on Bank notes not being equivalent to money; but I maintain that they are so, for every common and legitimate transaction in life, except for foreign remittances; and even for these, the access to Bank discounts afford great facilities, enabling the merchant to make provision for heavy payments for exports, and to await a sale for imports, for which, from various causes, there may be no immediate demand.

The learned member proceeded to advert to the rapid advance in the price of our commodities as attributable to an excess of Bank paper. That they have risen, and rapidly, is beyond dispute; but has there been no rise of commodities on the continent, even in those countries where specie alone is in circulation? I am disposed to think that the great and sudden increase in the price of corn here has been the cause of the advance in other articles; and the rise of that great necessary of life, I attribute, in a considerable degree at least, to the advance of importation prices by the acts of the legislature: an advance has taken place between 1791 and 1804 of no less than 35½ per cent. on the prices previous to the former of these years. The increased price of corn has of course enabled the landed proprietors to advance their rents; but it may be fairly questioned whether these gentlemen have not suffered more by the consequent enhancement of other articles, indispensable to their own consumption, than they have profited by the augmentation of their rents.

The hon. gentleman complains of the large importation of corn lately as a great evil, and threatens inquiry respecting it, which inquiry I am ready to meet whenever it shall be instituted; as the evil, if it has been one, is in some degree attributable to me; the noble lord, who is president of the Board of Trade, having, when the measure was taken, held the seals of the Foreign office. My defence will be short, but, I hope, satisfactory:—had the importation not been permitted, the distress for bread would have been extreme. With the aid of two millions of quarters of foreign corn, the quartern loaf was at fifteen pence, and without such aid it would probably have been at half a crown. The consequences which must arise from paying foreigners for so large a quantity of corn as would probably be imported were too obvious not to have been foreseen; but in such a dilemma there was no hesitation between submitting to the inconveniencies of the nature apprehended, and to the want of bread to the necessitous part of our population.

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* From the original Edition printed for Cadell and Davies, A. D. 1811.

The next topic adverted to was the state of our trade, from which it is said there is no prospect of our being able to have the course of exchange in our favour, the balance being so much against us; for the learned gentleman makes our exports only 33, and our imports 45 millions. No assertion can be more erroneous, and, for its refutation, I need only refer him to the documents in the Appendix to his own Report. But if reference be had to other papers before the House, it will be seen that our exports have for many years greatly exceeded our imports. I admit, however, that no clear inference can be drawn from the state of our exports and imports alone, even at their real value, at any time, for reasons I shall enter upon particularly hereafter; least of all can we place any reliance on the apparently favourable balance of 1810, because for some of our exports in that year no payment has been, and probably never will be made—I mean such as have been confiscated or destroyed; while another part, saved from confiscation, has been redeemed at a heavy expence.

To the charge of my having come down to this House with statements of our trade which have afterwards turned out to be incorrect, my answer is, that I never made a statement except from actual accounts; and that I never presumed to undertake that our trade should continue in so flourishing a condition as we had experienced.

I shall conclude this part of the subject by observing, that the hon. member has alledged, that he has the authority of the great capitalists of the metropolis for his assertion, that the present relative value of bullion and of paper is owing to the excessive issue of bank-notes. This, if it were true, could not be opposed to undeviating experience; but it will be seen, that all the witnesses selected by the Committtee as most eminent for character, intelligence, and fortune, were, with the exception of two, of a directly contrary opinion: one of these, however, though a most respectable man, has more of Continental than of British interests; the other, sir Francis Baring, is entitled to all possible respect; I shall, therefore, enter fully into the consideration of his evidence in a subsequent part of what I have to offer.

I proceed now to enter on an examination of the Report; in doing which, I must rely more on the indulgence of the Committee than I have ever had occasion to do in the course of my parliamentary life. The magnitude of the subject can alone make me hope to obtain their attention throughout the series of observations which I feel myself called on to make.

I am the more anxious to obtain it, because the hon. member has hardly referred to the Report, though it is upon that, and not on his speech, however eloquent, that we are called to decide.

It will be seen in the 2d page* of the Report, that the Committee, after dwelling on the high price of gold, make the following observation:

"So extraordinary a rise in the market price of gold in this country, coupled with so remarkable a depression of our exchanges with the Continent, very early, in the judgment of your Committee, pointed to something in the state of our own domestic currency as the cause of both appearances. But before they adopted that conclusion, which seemed agreeable to all former reasonings and experience, they thought it proper to enquire more particularly into the circumstances connected with each of those two facts; and to hear from persons of commercial practice and detail, what explanations they had to offer of so unusual a state of things."

In regard to the "reasonings" alluded to by the Committee, I cannot know on what authority they rely; but I am sure from facts which I shall adduce, that "experience" at least is most decidedly against them. Gentlemen are often apt o set out with a firm assurance that their own side of a question is the right one; and having once taken up an opinion, they collect and lay hold of whatever favours it, while under the influence of that pre-conceived opinion they exclude every thing of a contrary tendency. Almost all writers on the intricate subject of the theory of money and exchange have differed widely from each other, and some of them from themselves. This is the case with no less considerable a man than Mr. Hume, whose views of policy, and knowledge of the human mind are so distinguished, and who has attained even, in the department of political economy, the praise of discovery. He was ambitious of establishing a new theory, and accordingly, in one place he considers an increase of circulating medium an evil, because it raises the prices of commodities, on which ground he disapproves of Banks in general; while in another place he approves of one at Edinburgh, because it was a land-bank, which is undoubtedly the worst of any. At one time he says that an abundance of money is injurious to trade; at another, that it is a stimulus to industry: at one time he deprecates the increase of currency; at another he recommends the debasement, and consequent depreciation, of our coin to the extent of a penny in the shilling. Almost every writer since has taken a separate line, agreeing only that formerly received opinions were mistaken. Adam Smith, the highest of authorities in political economy, is doubtful whether an unfavourable exchange leads to the export of money. Lord King and Mr. Blake, men of distinguished ability, and Mr. Henry Thornton with the advantage of experience added to a cultivated understanding, are favourable to the resumption of cash payments by the Bank. Mr. Wheatly, supporting the same opinion, finds occasion to differ in other respects from all those writers, (except Mr. Blake, who published after him,) as well as from Locke, Davenant, and lord Liverpool. Under such circumstances as these, it would be inexcusable in me to enter into a contest on the theory of money in this House; and it would be the more unpardonable, because the truth or fallacy of such theories do not, in my opinion, affect the present question. I am desirous of trying the positions of the Bullion Committee by the test of experience, to which they refer in general terms only. As the Committee have alleged that the extraordinary rise in the market-price of gold here, coupled with a remarkable depression in our exchange with the continent, points to something in the state of our domestic currency as the cause of both appearances, let us go back to the earliest period of the accounts before us; and put in the shape of a table the amount of Bank-notes in circulation, the price of gold, and the rate of exchange with Hamburgh, in order to discover how far the progressive increase of the first has had an influence on the other two.

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* See Vol. 17, App. p. cciv.

	Bank Notes in Circulation.	Market Price of Gold.			Exchange with Hamburgh.	
1710.	-	£4	0	0	-	
1712.	-	3	19	0	-	
July 1718.	£1,829,000	3	19	10	33	8
Jan. 1721.	2,054,000	3	18	6	32	10
Do. 1730.	4,224,000	3	18	11	32	11
Do. 1754.	4,023,000	3	18	5	33	3
Do. 1761.	6,001,000	3	18	10	32	
Do. 1772.	6,200,000	4	1	0	32	7
Do. 1782.	7,697,000	3	17	6	31	9
July 1793.	12,713,000	3	17	6	37	2
Do. 1795.	9,643,000	3	17	6	32	10
Jan. 1796.	10,632,000	3	17	6	32	7
Do. 1798.	11,278,000	3	17	10½	38	2
Do. 1799.	12,062,000	3	17	9	37	7
July 1800.	14,349,000	3	17	9	32	6
Jan. 1805.	17,849,000	4	0	0	35	6
And in a very late period.						
Nov. 1809.	19,500,000	4	5	6*	28	6
Oct. 1810.	24,883,000	4	4	0*	31	7

In arithmetical statements of such complexity as this, it is difficult to follow the member who reads them, but the one I have now made can be given to the learned gentleman, if he shall desire to compare it with the accounts on the table. The Committee will perceive from it, that in January 1805 the issue of Bank of England paper was 17,849,000*l.*, and the price of gold the same as in the year 1710, when the issue of the paper was certainly under 2,000,000*l.* and that the rate of exchange was infinitely more favourable to this country in the latter year than in the earliest of which we have any account. It will be seen, indeed, that the amount of Bank Notes in circulation produced no effect whatever, either on the price of gold, or on the foreign exchange, during the whole period. In July 1809, when the issue of bank paper was 18,813,000*l.*, the course of exchange was 28-6, yet in October 1810, when the issue of bank paper had increased to 24,833,000*l.*, the exchange, instead of falling, rose to 31 6; and it is very remarkable, that between 1793 and 1796, though the price of gold remained steadily below the mint price at 3*l.* 17*s.* 6*d.* an ounce, and the amount of bank paper underwent a diminution, the exchange fell from 37-2 to 32-7. In which three years a gold coinage took place to the extent of above four millions from foreign gold.

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* These prices were furnished from the best source that could be found. In the month of December Mr. Merle sold gold for 4*l.* 2*s.* 6*d.* when Bank Notes had increased to 25,015,000*l.*

This summary of facts alone appears most completely to contradict the "experience" on which the Bullion Committee profess to rely, in support of their opinion, that increase of bank paper has raised the price of gold, and lowered the exchange. In truth, during the whole period, since the termination of the American war, the course of exchange with the continent was uniformly favourable to England, until the middle of the year 1795, when the remittances to Austria, through Mr. Boyd, depressed it during the remainder of that year, and the early part of the next. It then rose very considerably above par, and continued so until September 1799, when a renewal of subsidies, and an immense importation of corn, (the latter amounting in the course of two years, to the extraordinary sum of nineteen millions) kept it under par till October 1802. It then rose above par, and continued so, except in one month, until November 1805, when the Austrian and Russian subsidies again threw it down for a short time. In February 1806, it again rose above par, and remained so till October 1808. And let me press upon the attention of the Committee, that during the period from 1784 to 1808, the amount of bank notes was increased from 6,391,000*l.* to 17,218,000*l.* without any correspondent effect on the exchange, or price of bullion. If we advert to particular periods, we find that in July 1793, the amount of bank notes was 12,713,000*l.* the exchange 37-2, the price of gold 3*l.* 17*s.* 6*d.* an ounce, while in January 1796, with a reduction of bank paper to 10,632,000*l.*, and gold at the same price of 3*l.* 17*s.* 6*d.* an ounce, with a large gold coinage, the exchange fell greatly.

The result of this appeal to experience therefore is, that till October 1808, no unusual effect was produced on the price of gold, or on our foreign exchange; and even since that time we have seen the price of gold fall somewhat, and the exchange rise considerably, under a rapid increase of Bank issues. But there ar other reasons, of no doubtful characte for the rise in the precious metals, an the fall of exchange, since the autumn o 1808. It was in the summer of that yea that the measures of the French rule began to produce the effect of creatin great delays in remittances from the con tinent for our exports. The notoriety o these measures and of their consequence renders it superfluous for me to enter int any detail of them. I speak in the hear ing of intelligent merchants, who know the extraordinary situation in which ou export trade to the different parts of th continent was placed for some time be fore the last violences of our implacabl enemy, his confiscations and his burnings were resorted to. These are evils pecu liar to the present time, and to which th history of the world offers no parallel The commerce of Europe is paralyzed and the inhabitants of the whole continen are driven to despair, to gratify the ma lignant passions of one man, whose conduct, while it is mischievous for a seaso to this country, is ruinous to that which he governs.

Other circumstances of a new and extraordinary nature have greatly contributed to counteract a favourable balance of our exports. During last year more than seven millions sterling were paid by us for foreign corn, and not less than five millions and a half for foreign freights, from the impracticability of employing British shipping to the ports in the north of Europe. In addition to these heavy outgoings, we cannot compute our foreign expenditure in the different branches of the public service during the last year at less than 11,300,000*l.* The naval pay drawn, and dividends in the funds remitted to foreigners, form at least an additional million; and on summing the whole together we find a total sent out of the country, unconnected with its ordinary course of trade, of 24,800,000*l.*! Neither must we lose sight of the effect produced by the excessive export of our manufactures to the Portuguese settlements in America, on the first opening of the intercourse, which has for a time considerably lessened the demand from Brazil. There are, however, still other causes which have affected our exchanges, as will be shewn before I sit down.

In asserting that there exists no actual scarcity of gold, the Committee appear to have fallen into a singular error. They ay that the evidence laid before them as led them to entertain much doubt of he alleged fact that a scarcity of bullion as been recently experienced in this ountry. Referring, in support of this, o the evidence of Mr. Merle, they observe, that "a very extensive home dealer cknowledged that he found no difficulty n getting any quantity he wanted, if he vas willing to pay the price for it." The assage on which the Committee formed his conclusion is as follows:

Question to Mr. Merle. "You have stated that the price of gold at home has not lately been equal to the demand you had; have you at any time found any difficulty in providing yourself with any quantity of gold which you wanted in order to sell for home consumption, if you were willing to give the price of foreign gold?—No, I should have found no difficulty; but then I should lose a great deal of money if I was to sell it for home consumption at the price of English gold: we have been obliged to raise the price five shillings an ounce as it is.

"Q. Is the Committee to understand it is the high price, and not any defect in quantity, which has caused the supply not to be equal to the demand?—Certainly; for the supply of foreign gold would be more than equal to the supply here.

"Q. There is always gold in the market?—Yes, if you will pay the price for it."

But the Committee, in their haste to arrive at the inference that there was no scarcity of gold, have overlooked the important consideration that Mr. Merle's evidence applies to the home demand only. This he has since confirmed to me personally; and, it is besides expressed both in the first part of the question and in the following, which is also a part of his evidence:

"Q. Do you find it more difficult to get the supply of that required for the home trade than you used to do?—Certainly; we have been obliged to stand still sometimes.

"Q. What have you done to relieve yourself?—We have been obliged to wait till we could get it."

The next point to be ascertained is the proportion which the home manufacture bears to the general demand. Mr. Merle's evidence does not indeed afford a solution to this question; but we are enabled to attain it from an authority of equal respectability, that of Mr. Aaron Asher Goldsmid. He is asked,

"Q. Can you state at all what proportion of the gold you sell may be for home consumption?—I cannot.

"Q. Is it less than a 10th?—It is less than a 20th; but I cannot state precisely the amount."

In farther support of this reasoning relative to the price of gold, the Committee state, that "the price of all commodities has risen, and gold appears to have risen in its price only in common with them." Here again the most positive evidence is in contradiction to the assertion of the Committee. So far from following the progressive rise of other commodities, gold was lower in 1799, two years after the Restriction Bill, than it had been in 1710; although in that period the price of other articles had increased more than* two-fold. But confining ourselves to the interval only since the Bank restriction, we find the price of other commodities advancing yearly, while in gold there was no considerable rise till the year 1809. Let it not however be imagined that a rise in the articles of life has been confined to this kingdom alone. A most attentive inquiry has satisfied me that the expence of living has gone on in a ratio of increase, throughout various parts of the continent, as well where the precious metals have been the sole circulation, as where paper has been abundant; and all this without any connection with the price of gold. In France, where no paper circulates except in the capital, and there only a very limited amount, we have the following evidence to that effect. In a Report to the Agricultural Society at Paris in 1805, M. Silvestre observes, that, "in most of the de-

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* Extract from a Table in the Philosophical Transactions for 1798, of the price of articles, with the depreciation of the value of money; the mean appreciation deduced by interpolation; constructed by sir George Shuckburgh.

1720. - - -	257
1760. - - -	342
1770. - - -	384
1780. - - -	427
1790. - - -	496
1795. - - -	531
1800. - - -	562

Wheat was in the year 1797 only 7s. 10*d.* a bushel, when the table was constructed.

partments the price of labour is increased since 1789 by one-third at least, and in some by one-half; in a few it is doubled; and this rise is more general with respect to workmen than to servants at yearly wages. The society has ascertained, that all the instruments of cultivation are raised in price in a proportion nearly similar; that building materials have risen also from a third to a fourth; beasts of labour about one-half, and all the articles requisite for the maintenance of a farmer's family in the same proportion." In a speech of Monsieur Daru to the legislative body in January 1810, he observed that the revenue which was appointed for the support of Lewis the 16th in 1791, and continued to Napoleon, was no doubt very considerable; but if attention be paid to the difference between the real value of money at that time and at present, it will not be thought an extravagant assertion, that the same income does not now represent more than two-thirds of what it did then.

Having shewn, I hope satisfactorily, that the increased price of articles in this country has not been occasioned by an excessive issue of paper, I come next to the position of the Committee that "the whole cause of the depression of the value of the gold coin of this country, in exchange for commodities, which has occasionally arisen or could arise at those times when the Bank paid in specie, and gold was consequently obtainable in the quantity that was desired, has been constituted by two circumstances; first, by the coin after it had become current, being gradually diminished in weight by use, and producing therefore, if melted, a less quantity of bullion; and secondly, by the difficulty under which the holders of coin have been placed when they wished to convert it into bullion." To which obsevations Mr. Locke and lord Liverpool furnish me with a better answer than I could give myself:

"Whether silver in our coin will not always, during the prohibition of its exportation, be a little less worth than silver in bullion, whilst the consumption of foreign commodities beyond what our's pay for, makes the exportation of silver necessary; and so during such a state, raise your money as much and as often as you will, silver in coin will never fetch as much as silver in bullion."—Locke in one of his Questions to Lowndes.

"Whenever bullion is wanted for exportation, it will always be at a small advanced price above that of the Mint; an whenever the demand is very great, th price will be still higher; and it is probable that the value of the coin would i such case rise in a like proportion, if tha value was not limited by public authority."—Lord Liverpool.

The error into which the Committe fell in representing gold as the only lega tender in large payments, having been corrected by the learned gentleman in th resolutions which he has moved, I shal forbear to make any observations on i farther than to remark, that it is difficul to conceive how, with the statute of th 14th* of the King before them, the should have fallen into the mistake.

The Committee conclude the first par of their Report, with stating that

"In this manner, a general rise of al prices, a rise in the market-price of gold and a fall of the foreign exchanges, will b the effect of an excessive quantity of circulating medium in a country which ha adopted a currency, not exportable t other countries, or not convertible at wil into a coin which is exportable."

This observation, in the absolute shape in which it now stands, may be said t apply to our currency in every time o its history. It may be said to apply, no only to notes, but to guineas, since we never had a currency exportable to other countries. According to this principle an excess of gold and silver would be productive of as much mischief as paper; a conclusion on which I shall merely remark, that it ought to caution us against the indefinite language of the Committee, and the length to which they permit themselves to be carried by the influence of theory.

We have now arrived at the second division of the Bullion Report; namely, that which treats of the depreciated state of the exchange. The Committee rely, in the first instance, on the authority of sir Francis Baring and the continental merchant. They observe that the former stated "the two great circumstances which affect the exchange in its present unfavourable state to be the restriction upon trade with the continent, and the increased circulation of this country in paper, as productive of the scarcity of bullion." The words of the baronet, extracted literally from his evidence, are as follow:

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* Continued and made perpetual by subsequent statutes.

"During the seven years war, there were no restrictions upon trade, the same operations to perform on the continent, of remitting money from hence to pay the increased quantity of naval and military stores, and yet in no one instance was there a want of Bullion. The same was the case during the American war; through the whole of it there was no want of Bullion. And therefore I think that if we could continue our payments in specie, as heretofore, and there had been no restriction upon trade, the course of exchange would not be unfavourable to the country: I therefore consider the two great circumstances which affect the exchange to be the restrictions upon trade and the increased circulation of the country in paper as productive of the scarcity of Bullion."

However high the character of this witness most deservedly stands, the authority of his opinion must be affected if it can be shewn to have been founded on a misconception of facts. Few persons can know better than myself the respect due to the memory of sir Francis Baring; no man, I believe, ever acquired a large fortune in trade with a more unblemished reputation; and the extent of his mercantile knowledge was not inferior to his integrity. My opinion is founded not only on the concurrent sense of those who knew him, but on my personal knowledge of his conduct when he was employed by lord Shelburne to transact all the mercantile business of the Board of Treasury in 1782 and 1783. A frequent and almost daily intercourse with him during that time gave me an opportunity of ascertaining that such a trust could not have been placed in better hands, so long as it should remain committed to an individual; in such hands, indeed, the public interest was as safe as it could be under any arrangement. And it is but justice to the noble lord who employed him to say, that in every instance, as far as I was acquainted with his lordship's views, they were prompted by the most laudable feelings for the public welfare. It is, therefore, with the fullest impression on my mind of the purity of sir Francis Baring's intentions, that I proceed to explain the misconceptions under which he laboured. The statement that there was no want of Bullion in any one instance during the seven years war could not have been from his own knowledge; and we have evidence before us that in 1761, 1762 and 1763, gold rose to 4*l.*, 4*l.* 0*s.* 6*d.* and 4*l.* 1*s.* 6*d.* although for a long time before 1760 it had not been higher than 3*l.* 18*s.* 6*d.* And if his memory had been as good at the close of his valuable life as in an earlier period, he would have recollected the unexampled drain of specie in 1782, and that at his own pressing instance with lord Shelburne, as well as on the urgent solicitations of the Bank, the most peremptory orders were sent to the Commissioners of the Customs to prevent the coin from being sent out of the country. If my letter conveying these directions in 1782 was not written at his instance, it could not have been written without his knowledge; that, and another to the same effect from a right hon. gent. who succeeded me, are now on the table. Indeed the Committee themselves quote the evidence given by Mr. Bosanquet before the Committee of Secrecy of the House of Lords, to prove the drain of cash in the Bank in 1783; and refer also to that drain in the same year in a question put by them. If, therefore, there existed a fundamental error in regard to the facts on which sir Francis stated his opinion to be grounded, his authority, otherwise so highly respectable, cannot be relied on in this instance.

His examination respecting an increased circulating medium is worthy of attention; in the course of it will be found the following questions and answers:

"Q. You conceive an excess of paper circulation may be guarded against in this country, if the Bank conducted itself, under the restriction, upon the same principles which governed their issues when they were compelled to pay in cash; what do you conceive is the principle by which the Bank should now regulate its issues, as well as the best criterion by which to judge of an excess, and the best corrective of that evil?—A. Before the restriction, the experience of above a century proves that the administration of the affairs of the Bank has been wise and correct; the public have been satisfied; the country has flourished; and, I am persuaded that the Bank of England has proved a most important invaluable instrument in promoting public prosperity. This experience points out the only principle on which the public can rely with confidence, namely to return again to payments in specie, whenever it shall be in the power of the Bank to do so."

"Q. Have not the improved methods of carrying on dealings in money contributed very much to render a smaller quantity of circulating medium sufficient for the commerce of the country, than when specie formed a considerable part of it?—A. I have not sufficient practical knowledge to enable me to judge. The want of specie may produce a reduction, unless increased by other means. There are likewise causes which I do not thoroughly understand, and which may render a smaller quantity of circulating medium sufficient; but I doubt whether the last can prove an object worthy of attention."

"Q. Supposing the excess of the circulation of paper to be in a degree such as to increase the price of commodities, would that increase of price produce any effect upon the foreign exchange, until it arrive to the degree so as to check the exportation of merchandize?—A. An excess of paper circulation will, no doubt, affect and raise the price of the whole of the productive labour and industry of the country. The proportion that is exported will participate to the extent of its value; and as the necessary consequence of high prices is a reduction on the demand, it must operate decisively on the foreign exchange, unless they are supported, or the fall counteracted, by an export of bullion. But, until the demand or exportation is checked, an increase of price will produce a beneficial effect on the foreign exchange."

"Q. Is it your opinion that the increased capital of the country, whether consisting of that which is commercial and trading, or whether consisting of that which is agricultural, and belonging to the public revenue, does not require a proportionate increase of the circulation of paper or specie?—A. If the public revenue, or trade, required 1,000*l.* to be remitted to London formerly, and that 2,000*l.* is required at present, there must be an addition of 1,000*l.* in paper," &c. &c. In the remainder of this answer, however, he says he thinks 11,000*l.* is far more than sufficient.

The examination of Sir Francis is closed by his saying, "I consider the opinion entertained by some persons, that the Bank ought to regulate their issues by the public demand, as dangerous in the extreme, because I know, by experience, that the demand for speculation can only be limited by a want of means, and I think the Bank would not be disposed to extend their issue beyond three-fourths of the present amount, if the restriction was removed;" but he adds, "It may prove dangerous to impose any positive restraint on the Bank, by law or otherwise; for cases may an will arise when an excess will be prope and that it would be culpable to withho it. But if the House shall be disposed entertain an opinion, and will pronounc it distinctly, I think the Bank may be le with full power to act under their respon sibility."

On this evidence I shall have some ol servations to make hereafter. But, in th first place, I shall proceed to comment o some extraordinary mistakes into whic the Committee have fallen, which I sha take in their order. They state that,

"It appears to your Committee to hav been long settled and understood, as principle, that the difference of exchange resulting from the state of trade, and pay ments between two countries, is limited b the expence of conveying and insurin the precious metals from one country t the other; at least, that it cannot for an considerable length of time exceed tha limit. The real difference of exchang resulting from the state of trade and pay ments, never can fall lower than th amount of such expence of carriage, ir cluding the insurance. The truth of th position is so plain, and it is so uniforml agreed to by all the practical authoritie both commercial and political, that you Committee will assume it as indispen sable."

I read this passage with no commo degree of surprise, assured that the trut of the case was indisputably different fro this representation, as had been proved b experience, and in the plainest an strongest manner by the existing state things. Not chusing, however, to rel entirely on calculations of my own, I ob tained from most respectable sources information in the city the two followin Statements, to show how much the differ ence of exchange does now actually ex ceed the expence of conveying and ir suring the precious metals from one coun try to another.

No. 1.

Silver—1,000 dollars = 866 oz., worth i London at the price of 5*s.* 11*d.* an oz 256*l.* 3*s.* 10*d.* sterling, will produce i Paris, at the rate of 5 livres 7 sols pe dollar, 5,275 livres Tournois; the amour of which being vested in bills in London at the present exchange of 17 livres pe pound sterling, will give	£310	6
Deduct cost as above	256	3 1
Profit	54	2

of 21 per cent.

If from this profit of 21 per cent. we deduct 3½ per cent. for commission, freight, and shipping charges, with 1½ per cent. for insurance against the risk of sea and fire, which are the only hazards, there being licences from both countries, making in the whole 5 per cent., there will remain a clear profit of 16 per cent.

Gold—100 oz. English standard, at 94*l.* cost in London 470*l.* sterling, equal at Paris to 91 oz. pure gold, at 105 franks per oz. amount to 9,673 livres Tournois. This sum invested, as in the former case, in bills on London at 17 livres per pound sterling, will yield

	£569	0	0
Deduct the cost -	470	0	0
Leaves -	99	0	0

making a profit of 21 per cent.

Deduct the charges, which are nearly the same as on the dollars 5

Clear profit 16 per cent.

No. 2.

The price of dollars being at Hamburgh 28 per mark fine, and the price here 5*s.* 11*d.* per oz., these rates are equal to an exchange of 30. 2; deducting the charges which are nearly as follows:

Insurance -	4 per cent.				
Commission -	½				
Brokerage -	⅓				
Freight -	1				
Expences to Yarmouth -	½				
Expences to Cuxhaven	1	Exchange produced as above	£30	2	0
	7⅛	equal to	2	2	0
		Leaves clear	28	0	0

But the present exchange being so low as 24, there is consequently a profit of 4 sch. on every 24 or about 16½ per cent. by sending the dollars to Hamburgh, and having the returns made by a bill of exchange.

Gold being in Hamburgh 101, and in England 94 per ounce, the same quantity of gold which will produce in Hamburgh,

marks -	52	10⅔
will cost here at the present exchange only - - - - -	42	0
there is consequently a profit of	10	10⅔

on purchasing gold here, sending it to Hamburgh and receiving the returns by a bill of exchange.—This profit is equal to about - - - - - - 24½ per cent.

Deduct the charges -	7
Leaves clear	17½

The charges may vary one or two per cent. according to the particular facilities which the exporter has in sending his gold to the continent, but there can be no question of the fact, that a very considerable profit must result from the transactions above-mentioned.

The next mistake into which the Committee have fallen, on the subject of exchange, is not less extraordinary, because it arises out of papers before them, and out of an examination taken by themselves. In treating of the balance of our trade for the year 1809, they observe:

"Your Committee are disposed to think, from the result of the whole evidence, contradictory as it is, that the circumstances of the trade of this country, in the course of the last year, were such as to occasion a real fall of our exchanges with the continent, to a certain extent; and perhaps at one period almost as low as the limit fixed by the expence of remitting gold from hence to the respective markets. And your Committee is inclined to this opinion, both by what is stated in regard to the excess of imports from the continent above the exports, though that is the part of the subject which is left most in doubt," &c. &c.

The Committee, when they thus expressed themselves, could not surely have adverted to the Accounts presented by Mr. Irving, by which it appears that

Our Imports from the Continent were in 1809.......	£19,821,000
Our Exports to the Continent that year.............	27,190,000
Our Total Imports in 1809,	*51,133,000
Our Total Exports..........,	66,017,000

In considering these accounts, even of the real value, it should be recollected, that in the estimate of imports, the mercantile profits and freights (British as well as foreign) are included; whereas in the exports nothing is included for either of these large charges. It was not till Mr.

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* This sum is what remains of the real value of imports, after deducting the produce of the fisheries, and making allowances for the remittances from the East and West Indies.

Pitt came into office that an attempt was made to ascertain the true state of our exports and imports; till then the only rule by which a judgment could be formed was the table of official values constructed nearly a century back. This source of information could assist in forming a comparison of the increase or decrease of quantities only, without any accurate indication of value. The following extract from the Appendix to the Report of the Bullion Committee will show not only how the value of our imports and exports has altered, since the Table was made by Davenant, but in what different proportions that alteration has taken place.

In 1809, the Official Value of

Imports was....................	£9,551,000
Real Value......................	*19,821,000
Official Value of Exports......	23,722,000
Real Value......................	†27,190,000

The Committee, I am inclined to believe, could not, on this part of the subject, have adverted to the information given them by the Inspector General so early as the 16th of April, for it is otherwise difficult to conceive how such observations as the following could escape them:

"Your Committee, however, place little confidence in deductions made even from the improved document which the industry and intelligence of the Inspector General has enabled him to furnish. It is defective, as Mr. Irving has himself stated, inasmuch as it supplies no account of the sum drawn by foreigners, (which is at the present period peculiarly large,) on account of freight due to them for the employment of their shipping; nor, on the other hand, of the sum receivable from them (and forming an addition to the value of our exported articles) on account of freight arising from the employment of British shipping."

Compare this with the evidence which Mr. Irving gave, on delivering in an account shewing the total balance of trade in favour of, or against, Great Britain, in her commerce with all parts of the world, during the last five years.

"Q. In what manner have you calculated the actual value of imports into this country in the paper you have now delivered in?—A. I consider the account objectionable in some respects. Th values are calculated at the prices in th market; of course the imports include th mercantile profits and the freights inwards the exports are exclusive of the freigh outwards; consequently the actual balanc in favour of Great Britain will be muc more considerable than appears upon th face of the account. The correct principle would be, to estimate the imports a the first cost of the goods in the foreig country, adding thereto, the freights i foreign vessels; and the exports accordin to the real value at the port of exportation adding the freights in British vessels, a so much additional value on the goods, t be paid for by the foreign consumers. have no means of ascertaining those particulars.*"

Before quitting the subject of our foreig trade, I must take notice of another erroneous position of the Committee, which am the more desirous of doing, as it is on which has been very generally counte nanced. I allude to the opinion, that ou exports are considerably increased by large foreign expenditure. A plain refutation of which, from recent experience was before the Committee at the very tim when they alleged that, "a favourabl balance of trade on the face of the accoun of exports and imports, presented annually to parliament, is a very probable consequence of large drafts on government fo foreign expenditure, an augmentation o exports, and a diminution of imports, being promoted and even enforced by the mean of such drafts."

The refutation to which I allude will be found in the page preceding the one from which this passage is extracted. From the documents there it will appear tha the highest foreign expenditure referred to in that report was, in 1795 and 1796, in which two years it amounted to 21,689,000l

If we refer to a year of peace as a season for ascertaining the proportion which ou exports bear to our imports, when not affected by extraordinary expence abroad, we find that in 1792, the most flourishing year of peace, our imports amounted t

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* This is, however, infinitely beyond the usual proportion; owing to the very high freights to foreigners inwards.

† The disproportion in these is much greater usually.

* The accounts of the real value of exports and imports are still more defective than here stated, inasmuch as the produce of all our fisheries, and the whole of the remittances of British property in the East and West Indies are included in the amount of imports; the balance thus becoming less favourable than it would otherwise be.

0,659,000*l.*; our exports to 24,905,000*l.*

The average of our imports, 1795 and 1796, was 22,961,000*l.* which according to the proportion of 1792, should have raised our exports to the amount of 9,100,000*l.*, while in fact they did not exceed 26,431,000*l.*

If we take a comprehensive survey of the whole of the present war, in the eight years from 1803 to 1810 inclusive, we shall find the average of imports to have been - - - £31,194,131
And the average of exports - 37,752,399
The latter, instead of exceeding the proportion of peace, as the report would lead us to imagine, falls short of the ratio of the year 1792, which would have given, at the proportional amount of exports during these eight years, the sum of 38,822,000*l.*

The Committee however add, that "they have enlarged on the documents supplied by Mr. Irving for the sake of throwing further light on the general question of the balance of trade and the exchanges, and of dissipating some very prevalent errors which have great practical influence on the subject now under consideration!"

On the value of the light so thrown on the general question, I forbear to comment further, but as the Committee revert to their former position, "that the real exchanges against this country with the continent materially exceeded the limit fixed by the cost at that time of transporting specie;" I must say a few words, as they refer here to a respectable authority in the Appendix, in support of it, which, when attended to, is directly against them. They add, "that from what has been already stated, with respect to the par of exchange, it is manifest that the exchange between two countries is at its real par when a given quantity of gold or silver in the one country is convertible at the market price, into such an amount of the currency of that country, as will purchase a bill of exchange on the other country for such an amount of the currency of that other country as will there be convertible, at the market price, into an equal quantity of gold or silver of the same fineness." The authority on which they rely is that of Mr. Greffulhe, who states, "that the price of 105 fr. for gold at Paris, exchange at 20 livres, is equal to 4*l.* 19*s.* sterling for an English oz. of gold."

At the exchange of 21 livres, it will of course be equal to 4*l.* 14*s.*, which being the market price in London, it would follow, according to this rule of the Committee, that the real par of exchange between London and Paris is 21 livres; whereas from the value of currencies, it has been ascertained to be 25 livres, 10 sols.

The Committee conclude this second head of their report, by saying,

"From the foregoing reasonings relative to the state of the exchanges, if they are considered apart, your committee find it difficult to resist an inference, that a portion at least of the great fall which the exchanges lately suffered, must have resulted, not from the state of trade, but from a change in the relative value of our domestic currency. But when this deduction is joined with that which your committee have stated respecting the change in the market price of gold, that inference appears to be demonstrated." Of the value of this demonstration I trust I have enabled the House to form a correct judgment.

The fallacy of the market price of gold having been affected by the issue of paper, has been already incontrovertibly shewn by the experience of nearly the whole of the last century, as recorded in accounts on which we may safely rely. That the exchange should be affected by it is against all experience, as well as against the evidence annexed to the report. The continental merchant, whose testimony is so much relied on by the Committee, when he is asked,

"Do you consider our paper as depreciated from 10 to 13 per cent., in consequence of its non-convertibility into cash? —answers, As I value every thing by bullion, I conceive the paper currency of this country to be depreciated to the full extent of the 15 to 20 per cent., to which the exchange has fallen; or rather the difference in this country between the price of bullion and the rate by which the coin is issued from the mint."—But in a subsequent part of his evidence he adds, "When I stated it to be my opinion that paper was always depreciated, when not convertible into cash, it was only with regard to such issues on the continent. The causes I should assign for the very high rate of exchanges after the suspension took place in this country was, that during the commencement of the suspension of payment of cash at the bank, the public opinion here was exalted to that degree, that, for a considerable length of time, no traffic at home was carried on between bank paper and gold at an advanced rate:

the situation of trade between this country and the continent was particularly favourable, and the balance greatly in its favour, which not only tended to raise the exchange above par, but made it worth the foreigner's while to liquidate a great proportion of his debt by sending gold to this country, of which some millions sterling were imported; when circumstances changed, and a temporary balance existed against this country, and which could only be liquidated by allowing the re-exportation of bullion, this was withheld, and which must have tended to increase the effect both in reality and as matter of opinion. In fact, I only know of two means to liquidate an unfavourable balance of trade,—it is either by bullion or bankruptcy."

And when this gentleman was asked, to what he ascribed the present unfavourable course of exchange; his answer was,

"The first great depreciation took place when the French got possession of the North of Germany, and passed severe penal decrees against a communication with this country, at the same time that a sequestration was laid upon all English goods and property, whilst the payments for English account were still to be made, and the reimbursements to be taken on this country; many more bills were in consequence to be sold than could be taken by persons requiring to make payments in England. The communication by letters being also very difficult and uncertain, middle-men were not to be found, as in usual times, to purchase and send such bills to England for returns; whilst no suit at law could be instituted in the Courts of Justice there against any person who chose to resist payment of a returned bill, or to dispute the charges of re-exchange. Whilst those causes depressed the exchange, payments due to England only came round at distant periods. The exchange, once lowered by those circumstances, and bullion being withheld in England, to make up those occasional differences, the operations between this country and the continent have continued at a low rate, as it is only matter of opinion what rate a pound sterling is there to be valued at, not being able to obtain what it is meant to represent."

The Committee, not satisfied with that answer, press him further, on the ground of the bank restriction, and ask him, "The exchange against England fluctuating from 15 to 20 per cent., how much of that loss do you think may be ascribing to the effect of the measures taken by the enemy in the north of Germany, and the interruption of the intercourse which has been the result; and how much to the Bank of England paper not being convertible into cash, to which you have ascribed a part of that depreciation?" which produced the following explanation: "I ascribe the whole of the depreciation to have taken place originally in consequence of the measures of the enemy; and its not having recovered, to the circumstance of the paper of England not being exchangeable for cash."

Here then is an acknowledgment from the witness, on whom the committee very much relied, that the excess of bank paper had no influence whatever in lowering the exchange; but he thought its not being convertible into cash prevented the exchange recovering. Let us see, however, how he afterwards qualifies that opinion: he says, "A free circulation and liberty to export the coin of the country is, in my opinion, the only effectual remedy: if that is not deemed practicable, I, however, conceive that many palliatives may be applied." Now, as the exportation of the coin is prohibited under forfeiture, no possible advantage could have been derived to the exchange in the judgment of this witness, without a positive violation of the law at the risk of severe penalties and forfeitures. And again he says, "I believe in the course of my evidence I have assigned a variety of causes for the low rate of exchange, independent of the inconvertibility of paper into cash."

I shall trouble the Committee with only one more question and answer from the evidence of this gentleman:

"Q. In point of fact, has not the exchange of this country with the north of Europe been in our favour since the restriction of cash payments at the bank?—A. Yes, it has for a considerable time, and very materially; so much so, that a great part of the balance due to this country was liquidated by bullion sent here from the North of Europe."

Several experienced merchants, of the most extensive dealings and enlightened understandings, strongly confirm the opinion, that the issue of Bank paper had no effect on the foreign exchanges. Mr. Greffulhe says, "I conceive that the state of the paper currency of this kingdom, and the state of the exchanges upon foreign parts, are two subjects almost unconected, and that have but very little influence upon each other:" which he supports by a statement of facts. Mr. Chalmers attributes the unfavourable exchange to the balance of payments being against this country." In these sentiments there is a general concurrence of all the witnesses, with the partial exceptions already noticed.

From the whole of this evidence, it must, I think, appear quite clear to the Committee, that cash payments by the Bank can be of no avail towards improving the exchanges, without a direct breach of the existing laws; a breach which can only be accomplished by means of fraud and perjury. Before, however, I quit this part of the subject, I am desirous of taking notice of some passages in the pamphlet of my hon. friend (Mr. Huskisson) in which he shews a marked disregard for what he calls erroneous opinions most generally received in the theory * of the mercantile world. These passages are as follows:

"1st. That, whenever the exchange is against any country, the natural and general course of balancing the account is by a payment in bullion.

"2dly. That the balance of these payments in favour of any country is finally to be measured by what is called the balance of trade; or the excess of exports above imports.

"These two positions lead to a third, which is the fashionable doctrine of the day; namely,

"3dly. That the balance of payments may, for a time, be very much against a country, although the balance of trade is, at the same time, very much in its favour: that is, that a country buying for ready money, and selling at long credits, may be exporting a great quantity of its bullion; although a much greater quantity is actually due to it, and will be forthcoming in the adjustment of its accounts, when these credits come to maturity.

"Such is affirmed to be the present situation of this country, and the true explanation of the very depressed state of our foreign exchanges.

"The first of these positions," he says, "is so little conformable to truth, and to the real course of business between nations, that there is perhaps no one article of general consumption and demand, which forms the foundation of so few operations of trade between the different countries of Europe as bullion: and that the operations which do take place originate almost entirely in the fresh supplies which are yearly poured in from the mines of the new world; and are chiefly confined to the distribution of those supplies through the different parts of Europe. If this supply were to cease altogether, the dealings in gold and silver, as objects of foreign trade, would be very few, and those of short duration."

The extreme confidence with which my honourable friend expresses himself, will not, I am persuaded, induce the Committee to agree with him, in direct contradiction to the opinions of enlightened men, who have been engaged all their lives in foreign trade, every one of whom will admit that when the general balance, arising from our transactions with the whole of the countries with which we have dealings, is against us, there can be no possible way of settling the difference, but by bullion. The words of the continental merchant have been already alluded to; "by bullion or by bankruptcy." And sir Francis Baring says, "a reduction of our exports must operate decisively on the foreign exchanges, unless they are on the fall, counteracted by an export of bullion." These are the two witnesses on whom the Committee most confidently rely. And lord Liverpool, whose authority my hon. friend respects, says, "Gold cannot be carried out of the country unless the general balance of trade is against us. If it is against us, remittances must be made in coin or bullion."

We have the support also of other great authorities, among which are Mr. Locke and Mr. Harris.

"The reason of high exchange," says Mr. Locke, "is the buying much commodities in foreign countries beyond the value of what they take from us."

Where over-balance on either side demands payment, there bills of exchange can do nothing; but bullion or specie must be sent "Whenever the whole of our foreign trade and consumption exceeds the exportation of our commodities, our money must go to pay our debts so contracted, whether melted or not melted."

An over-balance of trade is when the

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* The theoretical merchants examined were Mr. Goldsmid, Mr. Merle, Mr. Lyne, Mr. Hughan, Mr. Greffulhe, Mr. Chambers, Mr. Thompson, Mr. Coningham, Mr. Irving and others, besides the Bank Directors.

quantity of commodities which we send to any country do more than pay for those we bring from thence, and is brought home in bullion." In another place he says, "the export of silver" (then certainly the measure of commerce,) "and the balance of trade must regulate the exchange: these two together regulate exchange in all the countries of the world." And in other parts of the same work Mr. Locke illustrates these opinions by examples; but we find not a word about the excess of paper,—although his treatise was published at the very period of the measures for the relief of the Bank, recoinage, &c.

Mr. Harris, who wrote in the middle of the last century in support of Mr. Locke's opinions, says, "But the exportation of bullion is a certain sign of the exchange being really in favour of that country to which it is sent; and the variations in the exchange point also the variations in the balance of trade; though in general the rate of the exchange, at a particular time, is scarce sufficient for determining on which side the balance then turns."

Our transactions in bullion with the continent are frequent; and our supplies from thence occasionally great.

My hon. friend supports his opinions by an observation, that if the exchange were affected by the balance of payments "the long credits or protracted payments would regularly come round, whilst others were taking place; so that, although different parts of the world are constantly indebted to this country, the aggregate amount of those debts cannot, in the ordinary course of things, vary very materially." A satisfactory answer to which is, that the exchange was coming round in the beginning of 1809, even in the then extraordinary state of things, till interrupted by acts of increased violence. The proceedings of the enemy which have been alluded to, threw it down to 31; and in July to 28 6; but in spite of these, payments came round, and in October 1810 it got up to 31 6, notwithstanding Bank notes were increased from 17,397,000*l.* in January 1809 to 24,835,000*l.* in October 1810; and notwithstanding also an importation of corn in the year of 7,000,000*l.*; but in that month the confiscations and burnings on the continent took place, and the exchange fell again rapidly.

If the exchange is against us with one country, and in our favour with another, arrangements may be conveniently made by bill remittances, so as to avoid transporting the precious metals; but when exchanges preponderate against us on the whole, we have no resource but exporting gold or silver; and it is perfectly notorious that our transactions of that sort with the continent are considerable and frequent. Mr. Huskisson says, such transactions are less profitable than in merchandize. Nothing can be more true; and it is not pretended that recourse is ever had to such exports when a vent can be found for goods: but that has its limits, as we have learned unfortunately by recent experience.

We come now to the third head in the Report,—the system of management of the Bank of England. The Committee, after commenting on the evidence given by the governor and the deputy governor of the Bank, and by one of the directors, make the following observations:

"The Committee cannot refrain from expressing it to be their opinion, after a very deliberate consideration of this part of the subject, that it is a great practical error to suppose that the exchanges with foreign countries and the price of bullion are not liable to be affected by the amount of a paper currency, which is issued without the condition of payment of specie at the will of the holder. That the exchanges will be lowered, and the price of bullion raised by an issue of such paper to excess, is not only exhibited as a principle by the most eminent authorities upon commerce and finance, but its practical truth has been illustrated by the history of almost every state in modern times which has used a paper currency; and in all those countries this principle has been finally resorted to by their statesmen as the best criterion to judge whether such currency was or was not excessive."

Here again I have experience with me against the Committee. In four years, from the end of 1768 to the end of 1772, (six years after the termination of the seven years' war, and four years before the commencement of hostilities with America,) the exchange was never higher than 33 9,—seldom so high; during which period the price of gold fluctuated generally from 4*l.* to 4*l.* 1*s.*: amount of Bank notes at the end of it under 7,000,000*l.* This was the state of things in a time of profound peace with all the world, when the paper of the Bank was payable in gold. In March 1797 payments in specie there were suspended; exchange then at

4-9; gold 3*l.* 17*s.* 6*d.*; the amount of Bank notes 9,203,000*l.* At the end of the year the exchange rose to 38 2; and although it was greatly depressed between 1799 and 1802, by immense importations of corn, it rose again to 35 9 and 36 in 1804, seven years after the stoppage of payments in gold at the Bank; the price of gold fluctuating from 3*l.* 17*s.* 6*d.* to 3*l.* 17*s.* 10½*d.* in these seven years; at the close of which the issue of Bank notes was 17,158,000*l.* These facts, proving incontestibly that the rate of exchange was higher, and the price of gold lower, with a large amount of Bank notes not convertible into specie on demand, than with an issue of those notes much less than one-half of that amount payable immediately in specie, the proof of which before us, I oppose to the practical truth referred to by the Committee in general terms only.

In regard to the discredit of paper, the Committee, putting on one side cases where an excess of paper has been accompanied by a want of confidence, state, that examples of the other sort, in which the depreciation was produced by excess alone, may be gathered from the experience of the United Kingdom: and they refer in the first instance to the passage in Adam Smith, wherein he remarks on the superior advantage of the Carlisle bank, which paid its notes in specie, over the one at Dumfries, which did not. It is, however, to be observed, that the advantage alluded to did not arise merely from the former paying in cash, but that the latter took advantage of an option they had as to the mode of discharging their notes, with others payable at uncertain times: it is not wonderful, therefore, that there should have been a difference of 6 per cent. in the value of the paper of the two banks.

But when the Committee refer to the experience of the Bank of England in support of their positions, they fall into the most extraordinary train of inconsistencies and errors I almost ever met with. This is their opening on the subject:

"The experience of the Bank of England itself, within a very short period after its first establishment, furnishes a very instructive illustration of all the foregoing principles and reasonings. In this instance, the effects of a depreciation of the coin, by wear and clipping, were coupled with the effect of an excessive issue of paper. The directors of the Bank of England did not at once attain a very accurate knowledge of all the principles by which such an institution must be conducted. They lent money not only by discount, but upon real securities, mortgages, and even pledges of commodities not perishable; at the same time the Bank contributed most materially to the service of government for the support of the army upon the continent. By the liberality of those loans to private individuals, as well as by the large advances to government, the quantity of the notes of the Bank became excessive, their relative value was depreciated, and they fell to a discount of 17 per cent.*"

We are then referred to two works, which I feel almost confident the members of the Committee had not read themselves—"A Short Account of the Bank," by Mr. Godfrey, one of the original directors; and "A Short History of the last Parliament," in 1697, by Doctor Drake†; both in lord Somers's Collection of Tracts. For their not having read the first I have presumptive, and for the latter, I think, I have positive, evidence. It will be recollected that the Committee strongly mark their disapprobation of the opinion expressed by the Governor and Deputy Governor of the Bank—that no inconvenience would result from their discounting paper at an interest below that generally paid by persons borrowing: in which disapprobation I concur. But I am desirous here of saying a word in extenuation of answers given suddenly on points which witnesses have not been previously apprized that they were to be examined upon: I mean that if the Governor and Deputy Governor of the Bank had been apprised of the question respecting their discounting at low interest, they would have given a different answer; which I am led to believe from a conversation with the former. I return however to Mr. Godfrey, whose performance, so recommended to our notice, savours a little of the hand-bill of a mountebank, holding out temptations, eventually ruinous to the Bank itself, to draw customers to it from all the private goldsmiths or bankers. At a time when the established interest of money was six per cent. Mr. Godfrey published that the Bank lent money on mortgage at five, and on foreign bills at four and a half per cent.; to those who kept cash with them, at three per cent.; and that they discounted inland bills generally at six, but to customers at four and a half per cent., for which bankers were in the habit of taking from nine to ten per cent. He added that they would open a lombard to the poor at one penny per month, instead of sixpence or a shilling, as was usually paid; and that in a few years they would reduce the interest of money to three per cent., in which they failed so entirely that there was no alteration in it till 1714, when it was lowered to five per cent.

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* The Committee do not state their authority for this; it may be correct, but I have not been able to trace it.

† With the work of Mr. Godfrey, who was certainly a man of considerable note in the city, I was well acquainted; but conceiving Dr. Drake's "History of the last Parliament," to be the libellous work under that title for which he was prosecuted on an address of the House of Lords, I had not taken the trouble to read it. I find, however, the Doctor wrote two treatises with the same title: the one recommended by the Committee contains a fulsome panegyric on the ministers of king William, who not rewarding him for it, he published the second, in which his abuse was so little measured as to occasion the Lords to address the queen to prosecute him; and from that time to his death, he was in the hands of the Attorney General for different publications. The selection of these two authors by the Committee is the more extraordinary, as there were twenty or thirty other pamphlets written about the same time on exchanges, coin, &c. some of them by men of great ability and experience.

The real causes of the distressed situation of the Bank at the time in question were the loans advanced by them on securities of every sort, and the consequent delay of repayments; together with the loss which they sustained by taking at par the clipped silver, diminished nearly one half, (there being a deficiency of 107,647 oz. on an amount of 57,200*l.*) and by the melting of the new silver after it was coined. So much for the value of Mr. Godfrey's information.

The Committee proceed to observe, "At this time there appears to have been no failure in the public confidence in the funds of the Bank; for its stock sold at 110 per cent., though only 60 per cent. upon the subscriptions had been paid in. —By the conjoint effect of this depreciation of the paper of the Bank from excess, and of the depreciation of the silver coin from wear and clipping, the price of gold bullion was so much raised, that guineas were as high as thirty shillings; all that had remained of good silver gradually disappeared from the circulation, and the exchange with Holland, which had been before a little affected by remittances for the army, sunk as low as 25 per cent. under par when the bank-notes were at a discount of 17 per cent."—I beg particular attention to what follows: "Several expedients were tried, both by parliament and by the Bank, to force a better silver coin into circulation, and to reduce the price of guineas, but without effect."

This is the positive evidence on which I rely to prove that the Committee, or rather the framer of the report, could not have read Drake's pamphlet, because the Doctor not only states that the parliament did reduce the value of the guinea in that session, but attributes to them great merit for their having done so. And what makes the mistake into which the Committee fell quite inconceivable is, that there are two acts of that same session in the statute-book for reducing the value of the guinea.

The 7th and 8th of William 3, c. 10, sect. 18, reduced it from 30 to 26*s.*, and c. 19, sect. 12, of that year, further reduced it to 22*s.* These statutes are followed by a resolution of the House of Commons of the 16th of February 1698, that no person is obliged to take a guinea even at that rate; the board of Trade, of which Mr. Locke was a member, having, in the month of September, recommended that the guinea should pass for 21*s.* 6*d.* only; and it was not till 1717, that it was fixed by proclamation at 21*s.*, its present value, in consequence of an Address of the House of Commons, grounded on a report of sir Isaac Newton, master of the mint*.

The report next proceeds to state:

"At length the true remedies were resorted to; first, by a new coinage of silver†, which returned that part of its curency to its standard value, though the scarcity of money occasioned by calling in the old coin brought the Bank into streights, and even for a time affected its credit: secondly, by taking out of the circulation the excess of Bank-notes. This last operation appears to have been effected very judiciously: Parliament consented to enlarge the capital stock of the Bank, but annexed a condition, directing that a certain proportion of the new subscriptions should be made good in Bank-notes. In proportion to the amount of notes sunk in this manner, the value of those which remained in circulation began presently to rise. In a short time the notes were at par, and the foreign exchanges nearly so." And the Committee conclude the paragraph by observing that, "These details are all very fully mentioned in authentic tracts published at the time, and the case appears to your Committee to afford much instruction upon the subject of their present inquiry."

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* When I asserted, in a subsequent part of the debate, that sir Isaac Newton had not written on the subject, I could only mean in the controversy; because I had a copy of this official Report in my hand, made 20 years after the close of that.

† Which disappeared in a few years, after costing the public two millions and a half.

Thus, therefore, the instruction which the Committee think so useful is evidently in part derived from an author who makes a merit of the Bank granting discounts at a lower rate than private bankers; and in part from another, the eulogist of the parliament, whose highest panegyric on them was that "other parliaments have been able to raise great sums of money when the defence of the country required it, but it was the peculiar honour of this to make it:—They created money without bullion, and distributed great quantities of coin without the help of the mint."

May I presume to ask the learned gentleman if these are the proceedings which he would recommend for our adoption? The real proceeding with respect to the Bank, which is supposed to have afforded them such effectual relief, and which produced such admirable effects, was that the new subscription should be 4-5ths in tallies at an immense discount, and 1-5th in their own notes, with liberty to issue new paper to the extent of the addition made to their capital. The remedy was, however, so far from being effectual, that so early as 1708 the credit of the Bank failed again, which led to the necessity of raising the interest of their advances to the public from 3 to 6 per cent.; when the crisis was such as to induce lord Godolphin, the duke of Marlborough, and others, to support them with their private credit.

The Committee next derive a sanction for their reasonings from what passed in 1804, respecting the depreciation of the Irish exchange. They say,

"Many of the witnesses before the Committee, (in 1804) however unwilling to acknowledge the real nature of the evil, made important concessions which necessarily involved them in inconsistency. They could not, as practical men, controvert the truth of the general position, that the fluctuations of exchange between two countries are generally limited by the price at which any given quantity of bullion can be purchased in the circulating medium of the debtor country, and converted into the circulating medium of the creditor country, together with the insurances and charges of transporting it from the one to the other. It was at the same time admitted that the expence of transporting gold from England to Ireland, including insurance, was then under one per cent.; that before the restriction the fluctuations had never long and much exceeded this limit; and moreover, that the exchange with Belfast, where guineas freely circulated, at the time of the investigation by that Committee, was then 1¼ per cent. in favour of Ireland, while the exchange with Dublin, where only paper was in use, was 10 per cent. against that country. It also appeared from such imperfect documents as it was practicable to furnish, that the balance of trade was then favourable to Ireland." On which subject the Committee appear to me again to have fallen into a train of errors. On the subject of remitting by bills or bullion, and their comparative advantages, I have already addressed the Committee; but I must arrest their atttention here for a moment, to show how unfounded the statement in the report is in regard to the balance of trade being at the period in question, in favour of Ireland. From documents before the House it appears that the imports and exports of Ireland were then as follows:

	Imports.	Exports including foreign goods.
1802.	£6,087,000	£5,090,000
1803.	5,275,000	4,770,000
1804.	5,712,000	5,074,000
	17,074,000	14,934,000
	14,934,000	
	2,140,030	
Average excess of imports	713,000	About ⅛ of the whole imports.

These are according to official value,

which I prefer quoting, because the accounts are on the table: according to real value, the difference against Ireland was still greater.

The reference made by the Committee to the evidence of Mr. Colville, a director of the bank of Ireland, who stated that "in 1753 and 1754, the Dublin exchange being remarkably unfavourable, and the notes of the Dublin Bank being suddenly withdrawn, the exchange became singularly favourable," is of little or no importance, because the circulation of notes at that time was confined to those of private bankers, there having been no chartered bank in Ireland till about the year 1782.

The Committee go on to say, "In the spring of 1804 the exchange of England with the continent was above par, and the exchange of Ireland was in such a state, that 118*l.* 10*s.* of the notes of the Bank of Ireland would purchase only 100*l.* of the notes of the Bank of England. Therefore if the notes of the Bank of Ireland were not depreciated, and it was so maintained, it followed that the notes of the Bank of England were at more than 10*l.* per cent. premium above the standard coin of the two countries." I should have thought that reasons for this state of things in Ireland, might have occurred to the enlightened members of the Committee, unconnected with any issue of paper. 1st. The balance of trade, (as has been shewn) was much against Ireland. 2nd. The great increase of absentees at the time. 3rd. The large sums remitted for security, during the disturbed state of things, by many of those who did not leave the country. 4th. Loans made in Ireland, held principally by English proprietors, (to whom, of course, the interest was remitted here,) which have, to a great extent, been since transferred to Ireland. With an increasing number of bank notes in Ireland, for the last two or three years the exchange has been progressively falling there, down to the date of my last account (April,) when it was 9¼*l.*, the par being 8⅓*l.* At Belfast, to the exchange at which place the Committee particularly refer; the manufacturers having been accustomed to coin, would receive nothing else in payment; but the purchasers of the bills were fully aware they would be paid in Bank of England notes, and therefore could not conceive these notes were depreciated. That Irish securities, however, are worth less than English is evident, from the Irish 5*l.* per cent. stock, payable at the Bank of England, being usually 2*l.* or 3*l.* below English 5*l.* per cent. stock.

The Committee, pursuing the subject of Irish exchanges, add, "The principles laid down by the Committee of 1804, had probably some weight with the directors of the bank of Ireland; for, between the period of their report (June 1804) and January 1806, the circulation of the notes of the bank of Ireland was gradually (though with small occasional fluctuations) reduced from about 3,000,000*l.* to 2,410,000*l.* being a diminution of nearly one-fifth, at the same time all the currency which had been issued under the name of silver tokens, was by law suppressed."

This passage contains two most inconceivable mistakes, of which the proof is clear and positive, and was immediately before the Committee. I refer, for the first, to the account of Irish bank-notes called for by the House, and to an account of the exchange with Ireland. From which documents the following statement is made, demonstrating that instead of the increased issue of bank-notes raising the exchange, that was the most favourable to Ireland when the amount of bank-notes was at the highest.

	Irish Bank Notes.	Exchange. Dublin on London.	
1804, January	£.2,986,000	15½	January
June	2,916,000	11	June
1805, January	2,902,000	8½	
June	2,813,000	11	
1806, January	2,465,000	11½	
June	2,581,000	11	
1807, January	2,818,000	11	
June	2,782,000	9¾	
1808, January	2,732,000	9⅜	
June	2,894,000	10	
1809, January	3,141,000	8¾	
June	3,101,000	9½	
1810, January	3,192,000	8	
June	3,165,000	8⅓	

As a proof of the second mistake on the part of the Committee, it will be sufficient to refer to the 44 Geo. 3, cap. 71, which proves that instead of the Irish silver tokens having been by law suppressed, as the Committee allege, they not only remained in currency, but it was made felony by that act to counterfeit them*.

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* The framer of the report seems to have confounded the small paper notes in Ireland with the tokens; when the latter were legally put in circulation, the former became unnecessary.

As far as opinion can influence a judgment how far the amount of Bank-notes in circulation can have an effect on the price of gold or the rates of exchange, it may be sufficient to refer to the evidence of Mr. Aaron Asher Goldsmid and Mr. Merle, two gentlemen as capable of deciding on the subject as any who could be found in this kingdom. The former is asked, whether he has remarked, that as the quantity of bank notes has increased, gold has got proportionably dearer: his answer to which is; "Not perceiving that the increase or decrease of Bank-notes has any connexion with or influence upon the price of gold, we have paid no attention to that subject."—Mr. Merle, in answer to the question, "What do you conceive is the reason for the high price of gold bullion?" says, "The exchange making it so much more favourable to transmit it than Bills." And Mr. Harman, a partner in one of the most experienced and longest established mercantile houses connected with the continent, tells the Committee, that "a diminution of the Bank paper would have no effect whatever, in tending to an improvement of the exchange, either immediately or remotely." And when pressed on that point, he says, "he must very materially alter his opinion before he can suppose, that the exchange will be influenced by any modification of our paper currency."

On the theoretical opinion alluded to in the following paragraph of the report, I feel less confidence than on other points brought under our consideration by the Committee:

"In connexion with the general subject of this part of their report, the policy of the Bank of England, respecting the amount of their circulation, your Committee have now to call the attention of the House to another topic, which was brought under their notice in the course of their inquiry, and which, in their judgment, demands the most serious consideration. The Bank directors, as well as some of the merchants who have been examined, shewed a great anxiety to state to your Committee a doctrine, of the truth of which they professed themselves to be most thoroughly convinced, that there can be no possible excess in the issue of Bank of England paper, so long as the advances on which it is issued are made upon the principles which at present guide the conduct of the directors; that is, so long as the discount of mercantile Bills are confined to paper of undoubted solidity, arising out of real commercial transactions, and payable at short and fixed periods. That the discount should be made only upon Bills growing out of real commercial transactions, and falling due in a fixed and short period, are sound and well established principles. But that, while the Bank is restrained from paying in specie, there need be no other limit to the issue of their paper than what is fixed by such rules of discount, and that during the suspension of cash payments the discount of good Bills falling due at short periods cannot lead to any excess in the amount of Bank paper in circulation, appears to your Committee to be a doctrine wholly erroneous in principle, and pregnant with dangerous consequences in practice."

I am, however, persuaded that if the Bank shall confine itself to discounting Bills with names upon them of established reputation, payable at short dates, its credit cannot be impaired; although it should be admitted that inconvenience might result to the country from a possible excessive issue of its paper. The solvency of the Bank was established beyond all doubt by an attentive examination of their affairs by the secret Committee of the House of Lords in 1797, when it was proved that their surplus funds amounted to 15,000,000*l.* beyond all demands upon them.

If the Bank directors, on the advice of the Committee, should govern the amount of their issues by the state of foreign exchanges, I will venture to say the inevitable consequence would be most mischievous; for instead of the discretion remaining in gentlemen acting under a severe responsibility, and who have no personal interest to sway their judgment, it would be transferred to the exchange merchants here and on the continent, who, connected with each other, as they would soon become in that state of things, would affect the course of exchange at pleasure to answer their own purposes. Without making an invidious distinction between one set of men and another, I may be permitted to say it is more prudent to trust the direction in this case to gentlemen of whose conduct we have had long experience, than to others without responsibility, who would have a great and an immediate interest in abusing it. The Committee observe that, "The Directors of the Bank of England, in the judgment of your Committee, have exercised the new and extraordinary discretion reposed in them since 1797 with an integrity and a regard to the public interest, according to their conception of it, and indeed a degree of forbearance in turning it less to the profit of the Bank than it would easily have admitted of, that merit the continuance of that confidence which the public has so long and so justly felt in the integrity with which its affairs are directed, as well as in the unshaken stability and ample funds of that great establishment." But they add, "that the recent policy of the Bank involves great practical errors, which it is of the utmost public importance to correct." This opinion, as to the policy, is in opposition to the sentiments of the most enlightened men upon subjects of this nature, and is an assumption contrary to the most tried experience.

We come now to the fourth head of inquiry of the Committee; whether there has been an issue of paper of the Bank of England, and of country Banks, greater than was called for under all the circumstances in which the country was placed? Respecting the latter no remedy is proposed; but the Committee observe that, "It appears from the accounts laid before the Committee upon the Bank affairs in 1797, that for several years previous to the year 1796, the average amount of Bank-notes in circulation was between ten and eleven millions; hardly ever falling below nine millions, and not often exceeding to any great amount eleven millions."

Here they have fallen into a mistake of no great importance.

In July 1791 the amount was		£11,343,000
1792	- -	11,496,000
1793	- -	12,713,000

The Committee then go on to say that the "whole amount of Bank-notes in circulation, exclusive of 939,990*l.* of Bank Post bills, will be found on the average of the two returns of the 5th and 12th of May last, to be 14,136,610*l.* in notes of 5*l.* and upwards, and 6,173,380*l.* in notes under 5*l.*; making the sum of 20,309,990*l.* and, including the Bank Post bills, the sum of 21,249,910*l.*;" observing, at the same time, that by far the most considerable part of this increase since 1798, it is to be observed, has been in the article of small notes, part of which must be considered as having been introduced to supply the place of the specie which was deficient at the period of the suspension of cash payments."

And "That with respect to the amount of commercial discounts, your Committee did not think it proper to require from the Directors of the Bank a disclosure of their absolute amount, being a part of their private transactions as a commercial company, of which, without urgent reason, it did not seem right to demand a disclosure. The late governor and deputy-governor however, at the desire of your Committee, furnished a comparative scale, in progressive numbers, shewing the increase of the amount of their discounts from the year 1790 to 1809, both inclusive. They made a request, with which your Committee have thought it proper to comply, that this document might not be made public; the Committee, therefore, have not placed it in the Appendix to the present Report, but have returned it to the Bank. Your Committee, however, have to state, in general terms, that the amount of the discount has been progressively increasing since the year 1796, and that their amount in last year (1809) bears a very high proportion to their largest amount in any year preceding 1797. Upon this particular subject your Committee are only anxious to remark, that the largest amount of mercantile discounts by the Bank, if it could be considered by itself, ought never, in their judgment, to be regarded as any other than a great public benefit, and that it is only the excess of paper currency thereby issued and kept out in circulation, which is to be considered as the evil."

Whether the discounts have been progressively increasing since 1796, it is not in my power to say, but that is important only so far as the issue of Bank paper may or may not have been increased thereby. Let us therefore see how that stands, including even the notes under 5*l.* which have been issued more to serve as change than for any other purpose in the last eight years of that period.

1802.	July	17,094,000
1803.	Jan.	15,650,000
	July	14,290,000
1804.	Jan.	17,151,000
	July	16,974,000
1805.	Jan.	17,849,000
	July	15,674,080
1806.	Jan.	16,295,000
1807.		16,004,000
1808.		16,619,000
1809.		17,397,000

And without small notes, or Bank Post Bills, the circulation

In 1791, was £10,864,000
In 1809, 13,302,000

Then follows, " But your Committee must not omit to state one very important principle, that the mere numerical return of the Bank-notes out in circulation cannot be considered as at all deciding the question, whether such paper is or is not excessive? It is necessary to have recourse to other tests. The same amount of paper may, at one time, be less than enough, and at another time, more. The quantity of currency required, will vary, in some degree, with the extent of trade; and the increase of our trade, which has taken place since the suspension, must have occasioned some increase in the quantity of our currency."—And after reasoning upon the quantity of currency bearing no proportion to the quantity of commodities, the Committee say, they " are of opinion, that the improvements which have taken place of late years in this country, and particularly in the district of London, with regard to the use and œconomy of money among bankers, and in the mode of adjusting commercial payments, must have had a much greater effect than has hitherto been ascribed to them, in rendering the same sum adequate to a much greater amount of trade and payments than formerly; some of those improvements will be found detailed in the evidence: they consist principally in the increased use of bankers drafts in the common payments of London; the contrivance of bringing all such drafts daily to a common receptacle where they are balanced against each other; the intermediate agency of bill brokers; and several other changes in the practice of London bankers, are to the same effect, of rendering it unnecessary for them to keep so large a desposit of money as formerly. Within the London district it would certainly appear that a smaller sum of money is required than formerly to perform the same number of exchanges and amount of payments, if the rate of prices had remained the same."

This is contradicted by Mr. Thomas, who has the management of the concern, in express terms, whose evidence is,

" The system of clearing has been in existence above thirty-five years; that of the last fourteen months is a new arrangement, but it does not at all alter the amount of Bank notes passing: there has been no material improvement in the system of late years so as to reduce the quantity of Bank notes necessary for making payments."

The Committee proceed to observe, that, " all these circumstances must have co-operated to render a smaller augmentation of Bank of England paper necessary to supply the demands of our increased trade than might otherwise have been required, and show how impossible it is from the numerical amount alone of that paper, to pronounce whether it is excessive or not. A more sure criterion must be resorted to; and such a criterion your Committee have already shewn is only to be found in the state of the exchanges, and the price of gold bullion."

The question here is, has that been satisfactorily shewn? In order to ascertain it, let us enquire whether circumstances which have occurred, do or do not account for the increase of our paper circulation to the full amount of the issues.

In 1798 (the first year after the payments in cash ceased) the amount of Bank-notes was 12,062,000*l.*, our exports, according to official value, 30,290,000*l.* In 1810, the Bank-notes 22,236,000*l.* the exports 50,300,000*l.* In 1798, the nett revenue paid into the Exchequer, exclusive of loans, was 28,667,000*l.* In 1810, it was 66,098,000*l.* On this subject the opinion of Mr. Henry Thornton is deserving of great attention. In his evidence to the Committee of Secrecy of the House of Lords in 1797, in the first report he says, " the increased trade of the country has actually created a necessity for an increased use chiefly of notes to bearer on demand, though partly bills of exchange and cash; guineas being used only for small or broken sums."—And that " in consequence of our assumed scarcity of Bank-notes it has been in contemplation of persons, especially bankers, to endeavour to provide some additional means of circulation for the metropolis, but that doubts were entertained of the legality of such a measure, and that there was a reluctance on the part of some bankers to be universally security for all; observing, that a given quantity of commerce in time of war requires a greater capital to carry it on, arising from the increased expence of freights, insurance, and mercantile charges, than the same commerce would require in time of peace."

In the third report of the Committee, the same gentleman states, " I am clearly of opinion, that if the circulating medium had been much further reduced, many failures would have been the consequence. I know the distress of many merchants, and also of some bankers, to have been considerable, and have had conversations with some of them on the subject of substituting a new circulating medium, with a view of relieving the existing distress." And in the first report above referred to, Mr. Bosanquet states :

"Increased use of capital employed, whether in agriculture, manufactures, inland trade, and of exports and imports, must obviously require an increase of cash or bills in circulation.

"An increase in exportation, subject to long credits, must occasion an increased demand within the kingdom of cash or paper before the returns are made."

I have shewn an increase of revenue of more than 37,000,000*l.* within the period of 12 years, and of 20,000,000*l.* in the official value of our exports, the real value of which of course was much more largely augmented ; while the increase of Bank-notes was little more than 10,000,000*l.* notwithstanding the almost total disapearance of the gold coin, to the amount of more than 30,000,000*l.*

Here I may be allowed to refer to the authority of sir Francis Baring, who, although he thought 11,000,000*l.* was far more than sufficient for the remittance of the public revenue, was of opinion, "that if the public revenue or trade required 1,000*l.* to be remitted to London formerly, and 2,000*l.* is required at present, there must be an addition of 1,000*l.* in paper. Country paper (always too abundant) takes its origin from a variety of sources, and cannot be considered as a general medium of circulation. Bank of England notes constitute the only general paper currency, the only adequate represesentation of the precious metals. They alone admit of correct regulation, because they issue from a single source."

My hon. friend (Mr. Huskisson) however, in his pamphlet, suggests, "that the amount of paper is not to be measured by the public revenue ;" in proof of which assertion "he thought it unnecessary to go into a minute statement of the course of proceeding in the Exchequer, although it is by such a detail that the proof would be most completely established. It was sufficient, he said, for him to state that in the evening of each day the whole receipt of revenue within that day was carried to the Bank ; and that from the Bank, the whole amount of such revenue may be, and probably is, put in circulation again in the following day, in discounts or government securities."

I confess this surprised me a good-de because it is not merely for payments in the Exchequer that Bank notes are wan ed, though even for that purpose a ne necessity has been created since the pa ments in cash have been stopped; becau till then no Bank notes were permitted be locked up in the Exchequer. Notes large as 500,000*l.* in one sum have occ sionally been locked up; an amount n very likely to get into circulation.

In 1803, the notes in the exchequer amount at one time	to	£2,409,00
In 1804.	to	2,020,00
In 1805.	to	3,021,00
In 1806.	to	4,515,00
In 1807.	to	6,289,000
In 1808.	to	3,294,00
In 1809.	to	526,000
In 1810.	to	2,022,00

And in 1809 and 1810, the Bank advanc to government were more than three m lions higher than in 1798.

It is, however, for the collection of th revenue throughout the kingdom, and f the remittance of it to London, in additio to the want created by our increased com merce, that paper became necessary in nitely more than for payments into th exchequer, and to supply the deficienc of specie which had been withdrawn. Th latter seems not to have attracted noti in accounting for the increased issue Bank notes. It is important, therefore, shew the extent of it.

The following statement will shew th the amount of gold in circulation in 17 could not be over-rated at £40,000,000.

Coined from guineas 1773 to 1777	£16,597,356	
From foreign gold	2,898,494	
		19,495,8
In 1772 the Bank sent in foreign gold coined in 1773...........		950,2
		20,446,0
Coin remaining in circulation, at the lowest estimate, during the re-coinage		5,000,00
		25,446,0
Coined from 1st Jan. 1778 to Dec. 31, 1798	33,831,231	
Deduct coinage from light guineas	15,922,207	
		17,909,0
		43,355,11

About 2,000,000 in light guineas sent to America, were supposed to be brought back after the war, and made a part of those coined from 1778 to 1798, for which no credit is taken here: and as there was then no temptation to send coin out of the country, or to melt it, the price of gold never having exceeded the Mint price in that whole period, (except in a few months 1½*d.* an ounce, in 1783,) and was generally below it, we may fairly estimate the coin in circulation at 40,000,000*l.* After making large allowance for wear, &c. Mr. Wheatly, however, (with the Mint account before him) insists that the whole coin in circulation and deposit at the time he wrote, in 1806 or 1807, when gold had not been higher than 4*l.* an oz., did not exceed 5,000,000*l.*; but that in 1792 it might have been from 10,000,000*l.* to 2,000,000*l.*

To what an extent specie is withdrawn from circulation may be judged of from the collection of the revenue in the county in which I live; a statement of which was furnished me lately by the gentleman who received it. The assessed taxes were 342,000*l.*, and of the excise that went through his hands 84,000*l.*, making a total of 426,000*l.*, of which he received 476*l.* 8*s.* in specie. The whole of the excise was in Bank of England notes; and such part of the assessed taxes as was received in country Bank notes was converted into Bank notes, on the remittance to London.

This I am persuaded will be thought a reasonably strong proof of the absolute necessity of a large increased issue of Bank paper, for the revenue only. How far the manufactures of the country have demanded an increase of it, may be judged of from the following instance. In the town of Manchester and its neighbourhood the annual payments before 1797 were about 1,040,000*l.*, of which two-thirds in specie, and one-third in Bank notes. The proportion in specie was then reduced to one-half, and afterwards to a third. Now the whole payments are 3,640,000*l.*, of which only 10 or 11,000*l.* are made in specie. In three other large towns in Lancashire the payments are supposed to be equal to these, amounting to 7,280,000*l.* in the whole, which shows the necessity for a large supply of Bank paper in that county only, as there is not a country Bank note issued in it. If then, in estimating the coin in 1798, we rate it, instead of

40,000,000*l.* at		£35,000,000
The Bank of England notes then in circulation were		11,278,000
		46,278,000
Coin in circulation now (perhaps a high estimate)	£3,000,000	
Bank of England notes in circulation	23,000,000	26,000,000

Here then is a sum of 20,000,000*l.* in the whole less than in 1798, notwithstanding the immense increase of our revenue, commerce, and manufactures; from which, however, should be taken the amount in deposit in the Bank, whatever that may be.

Is it not then matter of surprise that the issue of Bank notes has not been greater, than the sum abovementioned? And can it be advisable in the judgment of any reflecting man to make a sudden and considerable reduction of the paper? If it were admitted, contrary to all experience and to the opinion of the enlightened men selected by the Committee, that the good effects supposed by the Committee would be produced by such a proceeding, the mischief that would inevitably follow to the manufacturers and traders, would greatly overweigh them. The necessity indeed would be so urgent, as to compel the issue of some paper, on security less substantial than that of the Bank*.

Sir Francis Baring says,—"The only general circulating medium, as a general representative of bullion at home, is Bank of England notes."—Unless we act upon that opinion, or find a better substitute to supply the temporary absence of our coin, the worst consequences must inevitably follow. These are too obvious to make it necessary to dwell on them: we should feel the want of a sufficient circulating medium in our trade with other countries, particularly to the continent, oppressed as that is by high foreign freights and unexampled delays in payments, as well as in our domestic trade and manufactures, in which numbers of the lower class of people are employed. All internal improvements would be checked; the most important of them would indeed be entirely stopped, and the collection and remittance of the revenue would be most seriously embarrassed. There is no exaggeration here; the certainty of these consequences must be apparent to every one who hears me: I will, however, refer to a few of the answers given on the subject by persons most competent to judge of it.

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* A member of this House (Mr. Marryatt) has published a pamphlet, finding great fault with the conduct of the Bank, and proposing the establishment of another Bank, neither of them to be compellable to pay in cash.

Mr. Greffulhe is asked, "Q. Suppose an advance to be made upon goods that may be pledged with the Bank instead of bills, would that, in your opinion, create an excess of circulation?—A. I consider it to be highly proper that the securities discounted by the Bank, should be payable at short and fixed periods.

"Q. Do you conceive that all that would be requisite to prevent a depreciation of paper-currency in any country would be that such paper should, in no instance, be issued but as the representative of a good security payable at a fixed period?—A. I answer that in the affirmative, certainly.

"Q. Do you conceive that there exists the same security for the public against the inconvenience of an excess of circulation when the payments in cash at the Bank are suspended as when the Bank was at liberty and under obligation to make its payments in cash?—A. I conceive so, if the Bank adhere strictly to the system of discounting no bills but of undoubted solidity, and government securities; the latter with due moderation, and the caution pointed out before."

Mr. Abraham Goldsmid, of the house of Goldsmid, Son, and Eliason, Q. "When gold is above par, would you not say, when compared with guilders, the currency of Holland, that guilders are depreciated in value?—A. No, I should not.

"Q. According to this principle, does it follow that Bank-notes must be depreciated when compared with gold, the Mint-price of guineas being 3*l.* 17*s.* 10½*d.* and the market-price of gold 4*l.* 12*s.*?—A. I never considered Bank-notes as depreciated."

Mr. Greffulhe again. "Q. In what is the paper circulation of this country, as it at present exists, different in its practical operations, from a forced circulation?—A. In the first place, the paper of this country is no legal discharge of a debt; secondly, the Bank paper of this coun
is issued when called for, in exchange
valuable securities, in which respect it
essentially distinct from what I call
forced paper, which may be issued b
without limits and without any secu
whatever."

Sir Francis Baring having been ask
by the Committee, "Whether he c
ceives that the Bank of England will
fectually guard against the possibility
an excess in the circulation of the count
(as well their own as of country bank
if they regulate their issues by the
mand for discounts of good bills, found
on real mercantile transactions, as the
casions of the public may appear to
quire?"—concludes a long answer
saying, "It may prove dangerous to i
pose any positive restraint on the Bank
law or otherwise; for cases may and w
arise, when an excess will be proper, a
that it would be culpable to withhold
But if the House shall be disposed to e
tertain an opinion, and will pronounce
distinctly, I think the Bank may be l
with full power to act under their respo
sibility."

Mr. Trotter. "Q. Suppose the issues
the Bank of England to be diminish
one-half, what effect would that produ
upon the general confidence and credit
the country?—A. It would be very i
jurious; and it would be very difficult,
not impossible, to conduct the affairs
the metropolis, if the large notes were
be diminished in that proportion.

"Q. Would that effect take place, su
posing the diminished quantity of Ban
notes were supplied by a correspondi
quantity of gold?—A. I suppose in
very considerable degree it would, b
cause the large payments in business ha
not heretofore been made in gold."

Mr. Harman. "Q. Do you concei
that the diminution of the paper of th
Bank would, either immediately or r
motely, tend to an improvement of th
exchange?—A. None whatever."

I here close my observations on th
Report, in the length of which, I am co
scious of having trespassed a good deal o
the patience of the House, especially i
referring to the evidence before the Bu
lion Committee. The excuse which
humbly submit for this is, that it is on th
Report we are called to decide, and n
on the speech of the learned gent. wh
opened this debate, however eloquent an
able I admit that to have been. If I hav

succeeded in proving incontrovertibly that there are inaccuracies and errors throughout that performance, such as never occurred in any Report deliberately made to this House; and that the opinions therein contained are not supported by the evidence of gentlemen who were selected as witnesses, I trust this Committee will not come to the conclusion proposed by the learned gentleman.

Deeply sensible of the indulgence I have experienced in the comments I have felt it my duty to make on the Report, I still hope for an extension of it, while I make some farther observations on this very important subject. A publication of an hon. friend of mine below me, who was a member of the Committee, may be considered as an exposition of the Report, or as a supplement to it, and therefore to come naturally under our consideration in this discussion. Of the motives of my hon. friend in that publication no man can entertain a doubt, because he could not possibly be influenced by a bad one; few men can have stronger incentives to promote the public interest than himself;—his talents, his experience, the public situations he has already filled, and his time of life, all contribute to afford him a prospect of being again eminently useful in a situation of trust and confidence. In thus acquitting him of any possible ill intention, which, undoubtedly, the most malignant mind could not successfully impute to him, I cannot avoid observing, that his publication appears to me to have a greater tendency to degrade the national character, and to be injurious to the public interest, than almost any one I recollect to have read; because the sentiments and opinions expressed in it derive great weight from the character of the author, and from his experience acquired in official situations.

My hon. friend is an instance, added to many others I have met with, of a person with the best and purest intentions pursuing an object appearing to him to be a right one, without looking to the consequences of what he publishes to the world.

In speaking of the Bank of England he says,

"It is now many years since I had occasion to look into the treatise of the famous Mr. Law; and from not having it at hand, I have no opportunity of referring to it at this moment: But I have a confident recollection that there exists a very strong resemblance between the principles upon which his celebrated scheme was founded, and this leading doctrine of the Bank."*—Let us, therefore, refer to what were the principal features of Mr. Law's celebrated scheme. His bank was first established in 1716; and, in 1717, by an Order in Council, the Western or Mississippi Company was created, and attached to it, with a grant of all Louisiana, a province utterly uncultivated and of no real value, which was the basis for the establishment of its credit. Those who took shares were allowed to pay a part in state-paper, at a depreciation of 54*l.* to 60*l.* per cent. In 1718 they were declared royal. The Regent then became the sole proprietor of the shares: Mr. Law was named director, under the King and Regent, and from that time a stroke of the Regent's pen was all-sufficient for whatever was to be done. In the end of that year, banks, dependent upon this, were established in several great towns. In 1719, the interest of money was reduced to 3½ and 2½, and at last to 2 per cent., keeping the value of money in a state of constant fluctuation by contradictory edicts. In 1720, there was an edict, that no corporation or individual was to keep more than 500 livres in specie, on pain of a heavy fine and confiscation of the cash discovered; and the officers of justice were ordered to make all the searches required of them by the directors of the Bank.

At an assembly of stock-holders (the Regent being present) a benefit of 120 millions of profit, and 40*l.* per cent. as the next year's dividend, were held out. Then followed a prohibition to all persons in France, corporations and others, to keep any coin in gold after the 1st of May 1711, on pain of confiscation. On the 21st of May a reduction of half the shares was ordered; and on the 27th an order was made to restore paper to its full value; but all payments at the Bank were suspended:

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* By this is meant the declared opinion, "That there can be no excess of Bank of England paper in circulation, so long as it is issued only in the discount of bills of undoubted solidity, founded on real mercantile transactions; and payable at fixed, and not distant dates (60 or 90 days at the utmost), or upon loans to Government for public securities; Government not being able to dispose of such securities to better advantage in the open market."

—Of course it was not long before this scheme, founded entirely in speculation, and which never had any solid basis, entirely failed. The premium which the shares bore at one time was so excessive, that the value of the whole mass is calculated by M. Necker at six milliards of livres, equal to about 230,000,000*l.* sterling.

Where my hon. friend finds any resemblance between the principles on which this celebrated scheme was founded, and the leading doctrine of the Bank of England, I am altogether at a loss to conceive. The ravings of Buonaparté to all Europe of our national bankruptcy, and of our being driven to the use of fictitious paper, were very little regarded; but, with such an auxiliary as my hon. friend, it is difficult to say how great an alteration in that respect may be produced.*

His observations on the credit of our public funds seems to me also likely to be attended with very hurtful consequences with respect to both foreigners and natives. He says, "If the public creditor does receive his dividend, he is compelled to leave two shillings in the pound, or 10*l.* per cent. in the hands of the Bank, as lent for the use of the state. He is equally compelled to receive the remaining 18 shillings in Bank-paper; subject however to the same option of not receiving them at all. A payment in such paper is a virtual deduction from his dividend of three shillings more, or of 15*l.* per cent.; just as much a real and a forced deduction, as if it were made directly from 18 shillings of standard money, and under all the powers and penalties of the property act. The public creditor therefore receives 15 shillings in the pound of standard stationary money, and no more." May we not here be permitted to ask what the property-tax has to do with this question; and if not necessarily connected with it, why it was introduced.

In a subsequent passage my hon. friend asks, "Can any one believe that considerate men will much longer look to the public funds of the country as a safe and proper deposit for any permanent provision which they may be enabled to make for their families, if the principles on which the value of our currency now rests, should either be countenanced and supported upon a system, as beneficial to the state; or defended and continued as a necessary evil admitting of no remedy?" Considerate men in other countries, as well as in this, have to this hour thought them a safe and proper deposit, and I trust that well-founded confidence will not be shaken even by the authority of my hon. friend.

On the subject of the national character he says, "Whilst our merchants are individually reputed as pre-eminent for good faith and fair dealing, the opinion entertained of us as a nation is, that we are little short of sharpers in trade; and that whatever we gain by it, is so much lost to those who deal with us. For the countenance given to this opinion, prejudicial to every country, but not least to ourselves, we have, I think, more to answer than the most envious of our neighbours."

Who *we* are, is not explained, nor on what ground that opinion is formed by foreigners (if really entertained by them) or concurred in by my hon. friend; it is therefore very difficult to combat. I can only say that my own view of the subject, as published in 1798, was very different, as will be seen from the following extract from a pamphlet of mine printed in that year.

"Great Britain, as the annexed tables will shew, derives the means for carrying on the war from the increasing manufactures and trade of her people, and from a commercial intercourse, beneficial to foreign countries at the same time that it adds to the wealth and prosperity of their own."

The sentiment here expressed is very much to the effect my hon. friend says it would be our true policy to profess.

On the passages in his pamphlet, respecting the wages of valour, talent, industry, and labour, being paid in a depreciated currency, I forbear to comment for obvious reasons, beyond observing that persons with intentions very different from those of my hon. friend, may make a most dangerous use of his authority; as he places these inconveniences in a much stronger point of view than the Committee did.

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* Something occurred afterwards in the course of the debate, which would have led to a belief that it was Mr. Law's plan for a Bank in Scotland that was alluded to by Mr. Huskisson in his pamphlet, if that plan, which was never acted upon, had not been entirely dissimilar to the institution and mode of conducting business of the Bank of England. The Scotch plan was for a Bank, the notes to be issued by forty Parliamentary Commissioners, to purchase land, &c. Paper-money to rise 10*l.* per cent, above silver. See Law's account of it in the collection of papers of lord Somers. Mr. Huskisson, in the note at the bottom of p. 135, alludes directly to the Mississippi scheme.

Other opinions of my hon. friend, though of less importance than those we have referred to, are still deserving of our notice: he says,

"There is not, therefore, nor can there be, any difference whatever, between any given coin, and an uncoined piece of the same metal of equal weight and fineness, except that the quantity of the former is accurately ascertained and publicly proclaimed to all the world by the stamp which it bears." And in another place,

"Every man has a right to receive a pound weight of standard gold for every 46*l.* 14*s.* 6*d.* of his just demand, because the pound is divided into 44½ guineas."

On the law of this I am not now disposed to enter; I could, indeed, add nothing to what has been ably argued by a professional gentleman of eminent talents*, but I would here again refer to the authority of Mr. Harris, for the practical inconvenience, which I have the less hesitation in doing, as he was a man of great eminence and learning who wrote in the middle of the last century.

"But although we are all agreed that gold and silver, like all other things, have increased or depreciated according as they grow scarce or in greater plenty; and that the coins made of them do, in this sense, share the same fate with the bullion; yet coins, as such, or as money, escape the fluctuations of markets, and the standard coins which are the measures of contracts are to be considered as having their value remaining permanent and unalterable:"—of course, except by legal authority. Let us for a moment consider what would be the consequence if it were otherwise; that is, if every man should be allowed to demand a pound weight of standard gold for every 46*l.* 14*s.* 6*d.* of his just demand. The perpetual inconvenience and uncertainty to which we should all be subject, in such a state of things, is evident. On every payment, the gold must be assayed to determine its fineness, the price of the day must be ascertained, the gold must be divided, weighed, &c.; in short, under such a system, the inconvenience would be intolerable, and the confusion inextricable.

From another observation of my hon. friend, "that in whatever mode a subsidy be remitted, it must augment to that amount what is called the balance of trade," I must dissent: the contrary has been already shown from experience in the years of the largest expenditure, of which there were accounts before the Committee. I will not say that no instance can be found which militates against that experience; but I am perfectly sure that an increased foreign expenditure does not necessarily augment our exports. This is proved to a certainty, by the observations already made on a passage in the Report of the Bullion Committee. Mr. Wheatly, however, in his Essay on the Theory of Money and Principles of Commerce, goes somewhat beyond my hon. friend; for he says, "It is not only practicable that the posture of a subsidy should be so favourable as to preclude the efflux of money; but it is practicable that it should be favourable to such an extent as to cause the influx of money in any quantity at the very time the subsidy is in payment:" Which he illustrates by stating, "that the Prussian subsidy was paid, 500,000*l.* in bills at an advantage of 20,000*l.*; and 700,000*l.* in bullion to a disadvantage of 10,500*l.*, which produced together 1,209,000*l.* But as its exclusive remittance in bills would have given to the court of Berlin 1,248,000*l.* it is impossible to frame any adequate apology for the singular interposition of the bullion: and as it is evident that Mr. Harman would not, of his own accord, have selected this channel for the remittance, it is necessary to refer to the Bank of England for an explanation of his conduct."

Why this reference is made to the Bank of England it is difficult to guess; they were merely the sellers of the dollars when called upon for them; and had no more to do with the rest of the transactions than Mr. Wheatly himself. Mr. Harman, who was resorted to as a merchant of the first intelligence and experience in the city, was the sole adviser; he, of his own accord, (to use the author's words) selected the channel of remittance alluded to, and he did it wisely and prudently: I mention him confidently as the adviser, because he is still living and may be referred to. I will briefly state the case as it was. Nearly half a million was to be remitted to Berlin by a given day. Mr. Harman, aware of what must inevitably happen if one house should sweep away all the paper that was to be had, to answer a demand so pressing, took the determination of proceeding in the manner so strongly objected to by Mr. Wheatly; the consequence of which was the exchange rose and the price of silver fell. The silver first sent was bought of the Bank at 5*s.* 1*d.* an ounce, and afterwards as low as 4*s.* 11*d.*, which was exchanged at Amsterdam and Hamburgh for gold, and the latter sent on to Berlin. The exchange rose from 34.7 early in June 1794, soon after the first payment was to be made, to 35.10 in August. Such a charge however, against Mr. Pitt in a transaction of this sort, is not very surprizing from a gentleman * who could say of him,

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* John Raithby, Esq. of Lincoln's Inn.

"Mr. Pitt evinced a singular disacquaintance with the principles of public œconomy; and as all practice must be imperfect, unless the grounds upon which it should proceed be understood, he was necessarily erroneous in action. Of the real resources of his country, of the theory of circulation and exchange, and of the governing cause of the efflux and influx of money, his conceptions were wholly illusive! All the fond and idle sophisms of the old school,—all the fallacies of a Stewart, a Liverpool and a Rose,—respecting the importance and indispensible intervention of money, had complete possession of his mind, and every effort which he made to rescue himself from his difficulties was instantly subdued by the never absent thought that money was wanting."

Here I may appeal, I think, to those who differed most widely from Mr. Pitt in political matters, that in whatever way he decided on points that arose, he followed the dictates of his own judgment, however disposed he was to listen with the most patient attention to the suggestions, and to avail himself of the experience of others. His knowledge of finance was profound in all its parts; and I will venture to say, that men the most experienced will admit, that in the circulation of money and exchange his judgment was correct. It was indeed almost intuitive on every point. But that it should be imputed to him that his conceptions of the real resources of his country were wholly illusive, is inconceivable. For a vindication of so extraordinary a charge I need only call to the recollection of this Committee the state of the revenue at the time he came into office; the amount of permanent taxes was then 10,196,000*l.* very little more than equal to the charges on the aggregate fund; a floating debt of nearly 30,000,000*l.*; the 3*l.* per cents at 56*l.* after the restoration of peace, and the means of taxation apparently exhausted, as those imposed by lord North in the American War were in 1784, 2,246,000*l.* short of their estimated produce. Under all these disadvantages, he so brought forth the resources of the country as not only to provide for its expenditure in all its branches, but to establish in 1786 a Sinking Fund, securely protected, the income of which now considerably exceeds what the whole revenue of the country was when he entered on the management of it. It had increased, when the world was deprived of him, to the amount of 48,995,000*l.*: and what is a most unquestionable proof of his merit, our trade, manufactures, and internal prosperity in every respect kept pace with the rapid increase of the revenue. Need a minister of finance have a higher praise? With other political matters, we have in this enquiry nothing to do.

Having shewn that Mr. Pitt was right in sending bullion for the Prussian subsidy, conformably with the opinions of Mr. Harman, it may not be amiss to see how far Mr. Wheatly is supported in his position of the preferable mode of remitting by bills by the authority of Mr. Locke, in whose works the following passage will be found.

"Returning money by exchange into foreign parts, keeps not one farthing from going out: it only prevents the more troublesome and hazardous way of sending money backwards and forwards."

It is hardly necessary to add, that in making foreign remittances we should be governed by no fixed rule, but make use of bills or bullion, according to circumstances, as they shall occur from time to time. The charge against Mr. Pitt, and the observations naturally arising from it, are so immediately connected with the subject under discussion, as to justify me, I hope, in the opinion of the Committee, for having taken up a small portion of their time in commenting on them.

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* To the general character of Mr. Pitt, (except as a Financier) for every thing that could render him estimable as a public or private man, this author bore most ample testimony in a high eulogium upon him. P. 183.

I proceed now to consider how far there is any foundation for the blame imputed to the Bank, for not taking measures to make payments in cash. I am no advocate for that Company, on any other than public grounds, and no farther than I think them entitled to be defended, from their having acted wisely and uprightly in the conscientious discharge of an extremely difficult duty: nor would I contribute to protect them, in delaying for one hour to pay in cash after they shall have the possible means of doing it. I admit too, that to effect that very highly desirable object, no expence should be spared. The Bank have derived large profits by the increase of their notes, and they ought not to hesitate at incurring any expence for the attainment of it, when that shall be practicable. But I contend that no expenditure, to whatever extent, could in the smallest degree contribute to it at present. The only suggestion for that purpose, from the Bullion Committee, is the reducing their issues, which I am persuaded would be attended by the pernicious consequences already alluded to upon our foreign and domestic commerce, our manufactures and internal improvements, and consequently on the labourers of the different classes; as well as upon the management of our revenue, without the intended effect being produced by it. Here again we have the benefit of experience. By the reduction of Bank-notes in 1796, from 10,632,000*l*, in January of that year to 9,203,000*l.* in January 1797, the drain of gold was not prevented in 1797.

At present gold is no where to be had in sufficient quantities to afford any thing like an adequate supply. My hon. friend says, "If a supply be necessary for our circulation, it must be procured by an exchange of other commodities, which we can spare, just in the same way as hemp, for instance; an article of which it is at least as much the interest of our enemies to intercept the supply:" but he does not tell us where the commodities are to be sent in greater quantities than our present exports. He must know that we already export all we can; and in the last year more than we ought to have done, according to his own shewing. In another part of his work, my hon. friend says, that "gold does not form the basis of the currency of any other country; that the quantity of gold in Europe is not less now, and is probably greater than it was at any former period; that the price has not risen on the continent; that it is to be purchased in the markets there; in the markets of Africa and America; and in our own market." This is surely a most extraordinary assumption, when we have daily proof of purchases from the continent with such eagerness, as to set no limitation to prices. Respecting the markets of Africa and America, my hon. friend could hardly be serious; from the latter, remittances are already obtained to the extent of our manufactures, of which, for a time, there is unfortunately a glut, as has been already observed; and from the former, the supply for a long time has not been considerable. The home-market is utterly unavailable, in consequence of the demand upon it to satisfy debts on the continent, which are paid by our merchants with the strictest punctuality, while the payment of those due to this country from any part of the continent are universally suspended by the oppressive and tyrannical proceedings of our inveterate enemy.

On looking lately into the minutes of the Admiralty, in king William's time, which were in my possession, but which I have since presented to that Board, who had no copy of them, I found the following entry:

"Admiralty Office, Monday evening,
"14th March, 1695.
"Present,
"The Earl of Orford,
"Sir George Rooke,
"and three other Lords.

"The Secretary of State to be acquainted that captain Long is ready to proceed on his intended expedition, with his Majesty's ship the Rupert's Prize, *to find gold*, and that the board will give him directions to follow his Majesty's orders."

This struck me as a very singular measure when I read it, but I profess I think it is less extravagant than either of the suggestions of my honourable friend. The ship might, by an odd accident, have fallen in with an island in some unknown sea, where the streets were paved with the precious metals; but the places to which he would have directed the Bank must have failed them.

Mr. Aaron Asher Goldsmid is asked, "Has much gold been received from the Continent of Europe?" to which he answers, "I believe none; I judge so by no continental merchants being sellers to us." And when asked whether any quantity has come from the Brazils, his answer is, "Gold has been lately sent over to the Brazils; and silver also:"—from whence we know that supplies of the precious metals used to come. It is confidentially stated that the government there raised the value of their money as soon as the Bullion Report was seen, to prevent the coin being sent out of the country. Mr. Merle says, he could not get gold enough for the home trade (which does not call for the one twentieth part of the whole demand), and that he had been obliged to stand still some time. And when asked what he conceived to be the reason of the high price of gold bullion, he answered, "The exchange making it so much more favourable to transmit it than bills." And to the question, "Whether since the period of 1800, as bank notes have increased in quantity, has the price of gold bullion risen proportionably?" his answer was, "No; I do not think bank notes have had any effect upon gold." Mr. Goldsmid had said the same.

I would here again refer to Mr. Locke, to the perusal of whose writings my honourable friend so earnestly recommends us.

"The only way to bring gold and silver into the mint, for the increase of our money and treasure, which shall stay here, is an overbalance of our whole trade. All other ways to increase our money and riches, are but projects that will fail us. The true and only good reason that brings bullion to the mint to be coined is the same thing that brought it to England to stay there, viz. the gain we make by an overbalance of our trade. When our merchants carry commodities abroad to a greater value than they bring home, the overplus comes to them in foreign coin and bullion, which will stay here, when we gain by the balance of our whole trade."

How much the balance of our trade has been affected by foreign expenditure has been already observed upon. If, however, it were possible, by any means, for the Bank to obtain considerable quantities of gold at the present prices, or even at a very great reduction of them, unless those could be kept down to little more than the mint price, not one guinea more would be in circulation than at present, as the money would be melted as fast as coined. The melting, though contrary to law, could not be detected, and of course not punished, as that operation is performed in the most secret manner, without assistance; and when the coin is converted into bullion, it may be carried to the Bank, and there sold; or to the Mint, and there again coined, without a question asked where it came from, or how the party came by it.

Neither perjury nor the aid of others is necessary, as in the case of exporting bullion produced from coin; until therefore, the price of gold can be greatly reduced, and we shall have the means of keeping it down, it would be destructive to the Bank to compel them to pay in specie, which would infallibly disappear as fast as it was issued. The folly of such a compulsory measure is strongly marked by Mr. Harris, who was himself an officer of the Mint, and would have profited largely by coinages.

"Besides debasing the standard, another expedient has been hit upon for feeding the mint, and that is purchasing bullion, at an advanced price, for coinage; or the giving more per ounce for bullion than it would be afterwards worth in coin. But although this measure is very harmless as to any consequences attending it, except to those immediately concerned, yet it cannot be reckoned a very wise one; for whatever be the cause that prevents bullion from coming to the mint, whilst that cause subsists, (and coining will not remove it) the new coin will be melted into bullion again; and again coined; and so round in a circle, as long as a premium to the import of bullion into the mint is continued. And after all this expence, and all the expectation raised from it, no new coin will be seen. The same cause that created a scarcity before, will carry all that away, and nothing will be left but the gains that had been made at the mint." To which he might have added, and the profits of the fraudulent melter.

This is put so clearly, that I should waste the time of the Committee if I were to add any thing to shew how utterly useless it would be to the public to compel the Bank to pay in specie till bullion can be had at a reasonable rate; and, I trust I have shewn how entirely it is out of the power of that Company to procure it even at a greatly advanced price, under present circumstances: while the consequences to them, and through them to the public, would be ruinous. On any means of providing bullion by the Bank, the Report before us is perfectly silent; but, in the exposition of it by my hon. friend, he suggests as an expedient to avoid some of the inconveniences of recurring to payments in specie, that the whole of the 000,000*l.* advanced in consideration of the deposits of public money, if necessary, might be repaid to them; to which an answer might be furnished from the evidence given by Mr. Henry Thornton to the Secret Committee of Lords in 1797; who said, "The circumstance of government paying off their debt to the Bank, which has been supposed in the question put to me, would evidently, as I apprehend, make no difference in any part of the case which I have described. The debt which Government would pay to the Bank would be paid by a loan from the public, and would be raised immediately from the banking or mercantile world. I apprehend that the very negociation of a loan in times of great difficulty and distress, since it occasions the payment of large instalments on particular days, would be the cause of peculiar apprehensions antecedently to those days, and of very eager endeavours of some bankers to provide Bank-notes for the payment of whatever might be their expected share of the instalments; which share they would not know distinctly beforehand, since they are not informed of the proportions of the loan which each customer may have."

My fear of exhausting the patience of the Committee has induced me to limit very much the references to the evidence given to the former one, but I hope many of those to whom I now address myself have read the whole: I have done so with the closest attention, and I can most safely say, that I have met with nothing in any part of it which at all countenances the measure recommended by the Report, except in the examination of sir Francis Baring, and the continental merchant; the former of whom is decidedly against a compulsory measure with the Bank, and the latter plainly and explicitly says, that recurring to payments in specie would be of little use, unless we allowed that to be exported, in direct contradiction to laws which have been in force for several centuries; the expediency of enforcing the provisions of which may have been doubtful, and I have thought it so till this time; but if no such laws had been in existence now, I should have been inclined to recommend the enactment of an effectual one, as a temporary measure.

Our commercial distress cannot be imputed to the stoppage of payments in cash at the Bank, as proofs of our rapidly increasing prosperity during the first twelve years of that suspension have been annually laid before Parliament, and through that channel have been made public. Our commerce did not suffer till measures were adopted by the inveterate enemy of this nation, such as were never practised before in any civilized country on earth. How long the nations of Europe will endure the tyranny under which they are suffering, still more severely than our commerce does, it is very difficult to calculate: the violence, as well as the injustice of it, with the extent of the misery inflicted upon the inhabitants, may induce them so far to burst from their chains, as to open channels of trade to satisfy wants of the most urgent nature.

If I have shewn satisfactorily to the Committee, that the Report is not only full of errors, but is contrary to the whole of the evidence, with the exceptions before alluded to, which exceptions, if attended to, strengthen the case against the Report; that the Bank, with the best inclination to procure gold, could by no possibility obtain it; and that, if they could procure a large supply, the public could not derive the most trifling advantage or accommodation from it, unless the price could be reduced; I may venture to hope that the learned gent. will not prevail with this Committee to concur with him in the resolutions he has proposed, to compel the Bank to pay in cash at a stated period, even if he shall be disposed to make that a later one than eighteen months.

No one can be more disposed to give the members of the former Committee the fullest credit for the purity of their intentions than myself; they are well entitled to the most favourable construction of their motives; but, carried away by opinions previously formed, they seem not to have been aware of the effects likely to flow from an adoption of their opinions. I feel this most strongly, and am persuaded the worst enemy of this country could not propose a measure more likely to be injurious to its best interests in a commercial view, than that which is now under our consideration. Garnier, a minister of Buonaparté, was the first who held out an expectation of the depreciation of Bank-notes: and every other minister since him has invariably dwelt upon the ruin in which this country must be involved by our Bank-paper losing its credit: I trust we shall not be instrumental in aiding their speculation.

It is now thirteen years since I ventured to represent "that on Great Britain rested the hopes of returning happiness, independence and security among nations;—that she was the bulwark against the flood which threatened to overwhelm the world." That bulwark, God be praised! has stood firm;—my anxious hope is that it may not be shaken; and my earnest intreaty to the Committee is, that whatever injury it may suffer, may not be the work of our own hands.

Mr. *Henry Thornton* said, that however ably, as well as fully, the learned gent. who opened this discussion, had treated the subject, he conceived that there were some important points which required amplification; and he should prefer entering on these, to the examination of those numerous and smaller questions respecting the accuracy of the report of the Bullion Committee, on which the right hon. gent. who preceded him had principally dwelt. A time would come, when the respective merits of the several propositions intended to be submitted by different members would be brought into minute discussion, and an answer to the right hon. gent. might then, perhaps, be more conveniently given. He trusted the House would agree with him in the propriety of his confining himself, for the present, to great and broad principles; he should apply himself to the spirit of some of the first resolutions now proposed, and to the main point at this moment in issue. That main point was, not whether the Bank should open at any particular time, or any change be made as to the law in this respect, which would be a second consideration; but whether with a view to facilitate such opening if it should be prescribed, or with a view to secure the due maintenance of our standard during the long continuance of the restriction of cash payments, if the continuance should be deemed advisable, it was or was not expedient that the Bank should regulate the issues of its paper with a reference to the price of Bullion, and the state of the exchanges. The Bank and the Bullion Committee were at variance on this leading and essential point. The Committee affirmed, that the quantity of paper had an influence on the price of bullion, and the state of the exchanges; all the directors of the Bank who had been examined, affirmed that it had not. The right hon. gent. over the way (Mr. Rose) likewise insisted that it had not. "Non whatever," were his words. This was great practical question. If the Ban had in their own hand the power of improving the exchange, and lowering th price of bullion, and did not use it, if the had the means of restoring, or contributin to restore, the standard of the country, an did not at all believe that they possesse it, then it became the House, who ha exempted them from the necessity o making payments in cash, supposing it t agree with the Bullion Committee, to tak care that the Bank should resort to th proper remedy of the present evil, b interposing some suggestion of their own on the subject.

He would now proceed to prove, tha quantity of paper had an influence on th price of bullion and the exchanges. Ther were two steps in this argument. First he had to shew that quantity of pape influenced its value, or in other words, th relative value of commodities exchange for it. Could it be doubted, on the firs mention of the proposition, that the quantity of all articles affected their value This was unquestionably true of th precious metals, for the augmented suppl obtained from the mines of the new world was acknowledged to have produced tha general lowering of the value of money which had been experienced in Europ for many years. And why was paper, th substitute for gold, to be exempted from this universal law? He had never ye found any man, who, when the simpl question was put to him, whether an augmentation of paper had a tendency to reduce its value, or raise that of commodities had been so singular as to refuse his assen to the proposition. One of the Ban directors of Dublin, when examine before the Committee on the state of th Irish Exchange, though firmly persuade that an extension of paper currency ha no influence whatever on exchanges, ha been very ready to agree that it must hav an effect on the price of commodities, an one of the directors of the Bank of Englan had then, if he rightly recollected, made similar admission.

This point had been conceded only th other day in the House; for in debating the question of granting Exchequer Bill to the distressed manufacturers, it wa generally affirmed and understood that th supply of those Bills, which would operat in some measure as circulating medium and would facilitate their obtaining it would enable them to maintain their prices at a point higher than that to which they otherwise would have fallen. He himself well remembered having in 1796 observed the influence upon prices, which the restriction of the Bank discounts at that period had produced. He recollected to have then heard a West-India merchant, who had failed to obtain from the Bank the whole of his usual and expected accommodation, declare his intention of proceeding in consequence to sell some of his sugar at a somewhat reduced rate; half an hour after which, he heard a sugar-baker express his indisposition to buy sugar in consequence of the same scarcity of money which he also had experienced. Was it not obvious, that when these two men met in the sugar-market, some fall in the price of that commodity would be the result? When money was generally scarce, an influence of this kind would diffuse itself over all commodities: it was thus, in short, that general prices were regulated; and it was absolutely necessary to set out in such an investigation as the present, with the establishment of some great and fixed principles in the mind; for a thousand points would then become manifest and simple, which otherwise would be contradictory and perplexed. He did not mean to say, that equal quantities of paper would affect the value of equal quantities of goods in an exactly equal degree, under all the varying circumstances which might arise. Far from it. He insisted, however, that augmentation of paper always tended to the diminution of its value, and diminution to its increase. The principle was always operative: its tendency was uniform, though not always productive of an equal effect.

A great fall of prices had at one time been experienced in Dublin, in consequence of the suppression of a large part of the currency of the place, as one of the Irish Bank Directors had incidentally observed.

The hon. gentleman said he admitted that great pressure, and even calamity, might arise from any sudden and very violent diminution of the circulating medium: he had himself complained, of what he thought too great and rapid a reduction of the paper of the Bank of England, in the year 1797, when called upon to give evidence before the Secret Committee of the Lords and Commons on that point. He was as earnest as any man to prevent severity of pressure in any quarter, and having already shewn this disposition in the Bullion Committee, he was anxious to express it also in the House. But he was now investigating principles; he was aiming to shew the tendencies of things; and such tendencies were often most clearly evinced by the palpable effects manifested in some strong and striking case.

Assuming, then, the tendency of every increase of paper to lower its own value, or, in other words, to augment that of commodities exchanged for it; a point, as he had just observed, admitted on all hands, and so plain as scarcely to demand proof; he had, in order to establish the second and concluding part of his argument, merely to prove something which was as undeniable as any mathematical proposition, as plain as any common question in arithmetic, and of which he felt just as confident as of his own existence.

This was, that supposing an increase of paper to take place, and to augment the general price of commodities in exchange for that paper, it must influence also the state of the Exchanges, and raise the price of bullion. For what, in the first place, do we mean by the rate of our exchanges? We mean the rate at which the circulating medium of this kingdom passes in exchange for the circulating medium of other countries. Supposing, then, the circulating medium (the gold or silver coin for example) of other countries to remain as before, that is, to bear the same price as before in exchange for commodities, while the value of our currency, in exchange for commodities, has been altered, it follows that our currency must exchange for a new quantity of such foreign coin. It also follows equally, that it must exchange for a new quantity of bullion; for foreign coin is itself made of bullion, deviates from it in only a limited degree, and is almost identified with it. Bullion, indeed, is a commodity: it comes from America in the same manner as other commodities—is subject to those laws which govern their rise and fall—and consequently, when it is affirmed that an increase of circulating medium raises the price of commodies, bullion must be considered as included among their number. It could not be supposed that one article would be affected by an increase of the general currency, and not another;—the produce of manufacturing industry, for example, and not the produce also of the surface of the earth, and of the mines. All things, it is manifest, must ultimately partake in that increase of price which an augmentation of currency tends to produce, as well as in that depression of price which a reduction of it occasions.

The hon. gentleman next proceeded to observe on the doctrine which was maintained that the present high price of bullion and state of the exchanges resulted from the unfavourable circumstances of our commerce, and the present extraordinary state of the world. The evil was referred to what is called the unfavourable balance of trade or of payments, and was thought to have nothing to do with quantity of paper, inasmuch as this balance of trade and payments was deemed a separate and independent cause. He was willing freely to admit the influence of the present circumstances of our trade and expenditure, on exchanges and the price of bullion; but he could not allow that these had a separate and independent operation.

He should best explain himself, on this difficult but important subject, of the influence of balance of trade, as it is called, or balance of payments, by putting three several cases; in each of which cases, he would suppose that we had to struggle with political and commercial difficulties exactly resembling the present.

First, he would assume that we had no laws forbidding the melting and exportation of our coin, or limiting the rate of interest, or protecting the Bank against cash payments, it being the simple policy of the country to let every thing take its own course. By thus adverting to what might be called a state of nature, we should be able to discover what was the natural limitation of the evil to which we were now subject; and what the kind of corrective which administered itself. He was not examining whether it was wise to commit ourselves to this state of nature; he was now only investigating principles, that we might thus obtain some light to guide us amidst those difficulties of our own artificial system, in which our understandings seemed to be lost.

His second case would be, the actual case of this country before the cash payments of the Bank were suspended; and his third, our case at present.

First, then, he would suppose, that we were paying in cash, and that we had no usury laws, and no law forbidding the melting or exportation of coin; the king merely affixing his stamp to those pieces of gold which were the current circulating medium, in order to certify their quantity and fineness. For the sake of simplifying the subject, he would also assume the same circulating medium to be employed in surrounding countries. If, while we were thus circumstanced, the same evils of which we now complain were to arise, what would be the consequence? Doubtless much of our gold coin would be taken from us; and, perhaps, a larger quantity of this than of other articles. The whole, however, would not leave us; a high rate of interest would arise, and this extra profit on the use of gold, which would increase as its quantity diminished, would contribute to detain it here—some foreigners, probably, transferring property which would take the shape of the precious metals, or continuing to afford to us the use of it for the sake of this high interest. Such portion of our coin would be transferred, as would cause the remaining quantity to bear the same value in exchange for our remaining commodities, which the same coin in foreign countries bore to commodities abroad. In other words, gold and commodities would be exported in that relative proportion in which the exportation answered; and since every diminution of the quantity of our gold would produce an augmentation of it abroad, the relative value of gold to goods, in this and in foreign countries, would soon find one general level; and thus gold would remain the standard of value among us all. This, indeed, was simply to suppose the same case to occur in respect to Europe, which usually exists in respect to the different provinces of the same kingdom. He repeated, that he was merely putting a case for the sake of illustration; and the great point which he meant to press was this, that according to what he had denominated the state of nature, there would be a reduction of the circulating medium of this country under the present circumstances of our trade—a reduction which would tend to bring down our prices to the level of the prices which similar commodities, allowing for all expenses of transportation, were found to bear in exchange for gold in the general market of the world.

He would now put the second case. He would suppose our laws to forbid both the melting and exportation of coin, and to limit the rate of interest to 5 per cent.; and the Bank to be paying in cash. In other words, he would assume that we were circumstanced as we were before 1797, and that exactly the same political and commercial difficulties which we now experience were to arise.

The effect of these difficulties upon the quantity of our currency, would resemble the effect assumed to be experienced in the former case, though it may not be exactly equal in degree. There would arise a similar demand for cash, with a view to exportation; and though the law would interpose some obstacle to its transmission, yet some of our gold would probably go abroad, and it would serve, as in the former case, both as a remittance which would contribute to pay our debts, and as the means of augmenting the circulating medium of foreign countries, as well as of diminishing our own. The Bank, in this event experiencing a drain, would, in some degree, contract its issues. It would not only not increase them, as it has in some degree done during the last two or three years of the very unfavourable state of our exchanges: it would diminish them; it would feel itself, in consequence of our new circumstances, under the painful necessity of straitening its accommodation either to merchants or government, or both; and some difficulty in effecting the limitation would arise out of the necessity under which the Bank would consider itself to be placed of still continuing to lend at only 5 per cent. It was only by limiting its paper that it could maintain its own cash payments. The reduction would undoubtedly be an evil, but it would be an evil to be balanced against another evil otherwise to be incurred, that of stopping payment, and ceasing to abide by the standard of value which the King and the law had prescribed.

He was aware that this view of the case was not the most gratifying, and might not be welcome to some gentlemen around him; but it was the truth, and it was only by the right knowledge of the nature of our situation, that we could expect to come to any just conclusion. Thus, in the second case, exactly as in the first, there would be a reduction of the total quantity of circulating medium, which would be carried so far as to equalize, or nearly equalize, the relative value of our currency and commodities with the relative value of currency and commodities in other countries. Doubtless a pressure might arise which possibly might be considerable: (A cry of Hear! Hear!) He wished to know whether his principles were admitted. Was it acknowledged, that if we were now paying in cash, as before 1797, the Bank would thus limit its issues, and by such limitation would lower the price of bullion, and rectify the exchange? He should be glad to have a distinct affirmative or negative to this question. What degree of pressure might result, was not the main point now under consideration. He did not care at this moment what gentlemen said as to that point. He was in search of a principle. Did they or did they not admit his fundamental position, namely, that when a very unfavourable exchange, resulting from what is called an unfavourable balance of payments, arises, the limitation of the currency of the country serves to limit the evil? He had shewn, first, that this was the corrective which applied itself in what he had called the state of nature; and, also, secondly, that this corrective applied itself under that partly artificial system, under which we lived before our cash payments were suspended.

He now advanced to his third, which was the present case. The Bank, since they became protected against the necessity of making cash payments, not unnaturally thought that they might use more liberality than they would have ventured to exercise under the same circumstances of our trade, if they had been subject to a drain for cash. They, perhaps, were not much to be blamed on this account. Indeed, they appear not to have believed that a reduction of their paper would mend the exchange, for they had not examined very deeply or philosophically into the subject. They had continued, although the exchanges turned much against us, gradually a little to augment their notes, as they had done for a long time before, they appearing to themselves not to increase, but merely to maintain the existing prices; and they hoped that the evil of the unfavourable exchange would correct itself. Possibly some new latitude might fairly be allowed under the new political circumstances in which we were placed. It was, however, important not to mistake leading principles, and not to fancy that an exchange running against us with all countries for two or three years, and reaching the height of 25 and 30 per cent. accompanied with a corresponding high price of gold, ought at no time and in no degree to be checked by that limitation of the currency to which nature, as it were, as well as our own practice before 1797, taught us in such cases to retort. He was aware that before 1797, if our coin was sent abroad, it went illegally. (A cry of Hear! Hear!) The illegality of the transaction, however censurable it might render the individuals engaged in it, was no reason for dismissing the consideration of this part of the subject. It was by this illegal melting and exportation of our coin that the drain on the Bank used heretofore to be produced; and it was by the operation of that drain on the mind and practice of Bank Directors, that the evil of a high price of gold, and an unfavourable exchange, was checked.

It was affirmed in the Resolutions to be proposed by his right hon. friend (Mr. Vansittart), that there was a want of correspondence between the amount of bank paper in circulation at a variety of periods, and the state of the exchanges, the exchanges being often more favourable when the notes were higher, and less favourable when they were lower in amount. This might be the case in certain instances which might be selected; for a variety of undefinable circumstances would lead to little fluctuations, both in the exchange and the amount of notes. It, however, was remarkable, that three cases had occurred, and only three within the memory of persons now living, in which the experiment of a restriction of discounts had been made; and in each of these the effect had been conformable to the principles which he was affirming. He meant to say, that at three several times—namely, 1st in 1782 and 1783; 2dly, in the end of 1795 and the beginning of 1796; and 3rdly, in February 1797; and only at these three times the Bank had experienced a material drain of their cash;—that in each of these cases they had been led by the drain, as they themselves professed, to restrain their supply of discounts;—and that not long after each of these three periods, the exchange and the price of bullion manifestly improved. Perhaps a question might arise, whether the improvement of the exchange through the year 1797, might not be referred to the restriction of paper in 1795 and 1796, rather than to that in the single month of February 1797: on which supposition the cases might be said to be two, instead of three; the effect of the limitations in the two latter periods being considered as combined.

That in the first period, namely, in 1782 and 1783, the experiment both was made and answered, was proved by the testimony of the late Mr. Bosanquet before the Secret Committee of 1797, who referred the improvement to this cause. The improvement of the exchange in 1796, and 1797 would be seen in the papers now before the House, and would also be found to be stated in the evidence of Mr. Pitt before the Secret Committee; by whose testimony it also would appear how earnestly the Bank had previously insisted on his repaying them some large advances, on the alledged ground of the existing drain; of which advances only a part was afterwards afforded in the way of accommodation to the merchants. A resolution of a new and very strict kind had been passed by the directors, on the 31st December 1795, with a view of limiting the total amount of mercantile discount, and served remarkably to shew how much their liberality had been restrained, before the suspension of cash payments, by a drain of gold.

The limitation of paper in February 1797 was sudden and very great, and arose from a drain occasioned, not by an unfavourable change, but a totally distinct cause—an alarm produced through fear of an invasion. He had always thought, and still was of opinion, that the sudden limitation of paper at that period tended not to mitigate the alarm, but rather to increase it; but it unquestionably served to manifest the general habit of the Bank of reducing their issues when they found their gold taken from them. Since 1797, the Bank having been subject to no drain, in consequence of their being under no obligation to pay in cash, the experiment of a limitation of discounts had not been tried, and it had not been likely to be tried between 1783 and 1795, for that was an interval of peace, when exchanges are less subject to fluctuation, and when, moreover, the current rate of interest in the market being lower than in war, and as low perhaps as the rate charged by the Bank, there would be less disposition than in war to borrow of the Bank to an extent which should lead to an excessive issue of notes. It was in evidence before the Secret Committee of 1797, that the Bank had, at one period of the peace, deliberated whether they should not lend at a less rate of interest than five per cent., so small was then the demand for discount.

This subject, of the rate of interest, was

e to which he wished to call the atten-
n of the House ; it seemed to him to be
very great and turning point. If the
inciple adopted by the Bank was that
hich they professed, of lending to the
tent, or nearly to the extent, of the de-
and made upon them by persons offer-
g good mercantile paper, the danger of
cess was aggravated in proportion to the
wness of the rate of interest at which
scounts were afforded ; and one cause,
he conceived, of the somewhat too
eat issues of the Bank, during the pre-
nt war, had been the circumstance of
eir lending at five per cent., when
ther more than five per cent. might in
ality be considered as the more current
te paid by the merchants. Private
ankers had generally found, during the
ar, that the growing demand of their
stomers on them, for discounts of five
er cent. on very good bills, was apt to
xceed the supply which any means of
heirs could enable them to afford. If
hey gratified every wish, there would be
o bounds to the gradual increase of ap-
lication. They therefore gave the pre-
erence to some applicants, and the per-
ons who obtained the accommodation
onceived themselves to be receiving a
avour. The usury laws forbid the banker
o charge more than five per cent. ; but
he who borrowed from a private banker,
aturally, and of his own accord, bestow-
ed the benefit of his running cash, which
was often an important consideration ;
while, in the case of his discounting at the
Bank, he kept a running cash which was
extremely insignificant, and therefore
borrowed at the rate of exactly five per
cent. in that quarter. Again, if he bor-
owed in what is called the money market,
he gave to a broker a small per centage on
every bill ; and thus paid not less than
five and a half or six per cent. per an-
num, in the way of interest.

It was material to observe, that there had, since the beginning of the war, been a continual fall in the value of money ; he meant, of money commonly so called, whether consisting of cash or paper. This had been estimated by some at 60 or 70 per cent. and certainly was not less than 40 or 50 per cent. ; which was, on the average, 2 or 3 per cent. per annum : it followed from hence, that if, for example, a man borrowed of the Bank 1,000*l.* in 1800, and paid it back in 1810, having detained it by means of successive loans through that period, he paid back that which had become worth less by 20 or 30 per cent. than it was worth when he first received it. He would have paid an interest of 50*l.* per annum for the use of this money ; but if from this interest were deducted the 20*l.* or 30*l.* per annum, which he had gained by the fall in the value of the money, he would find that he had borrowed at 2 or 3 per cent. and not at 5 per cent. as he appeared to do. By investing his money either in land or in successive commercial undertakings, in the year 1800, and then finally selling his land or his commodities in the year 1810, he would find the produce amount to 200*l.* or 300*l.* above the 1,000*l.* which he had borrowed ; which 2 or 300*l.* being deducted from the 500*l.* interest which he had paid, would make the neat sum paid by him to be only 200*l.* or 300*l.* It was true, that men did not generally perceive, that, during a fall in the price of money, they borrowed at this advantageous rate of interest ; they felt, however, the advantage of being borrowers. The temptation to borrow operated on their minds, as he believed, in the following manner :—they balanced their books once a year, and, on estimating the value of those commodities in which they had invested their borrowed money, they found that value to be continually increasing, so that there was an apparent profit over and above the natural and ordinary profit on mercantile transactions. This apparent profit was nominal, as to persons who traded on their own capital, but not nominal as to those who traded with borrowed money ; the borrower, therefore, derived every year from his trade, not only the common mercantile profit, which would itself somewhat exceed the 5 per cent. interest paid by him for the use of his money, but likewise that extra profit which he had spoken of. This extra profit was exactly so much additional advantage, derived from the circumstance of his being a trader upon a borrowed capital, and was so much additional temptation to borrow. Accordingly, in countries in which the currency was in a rapid course of depreciation, supposing that there were no usury laws, the current rate of interest was often, as he believed, proportionably augmented. Thus, for example, at Petersburgh, at this time, the current interest was 20 or 25 per cent., which he conceived to be partly compensation for an unexpected increase of depreciation of the currency.

The observations which he had made

had been suggested to him by his attention to a variety of facts; and he would now trouble the House with the statement of some specific cases, which would contribute to establish the truth of the doctrine, which he had asserted—namely, that an increase of the quantity of paper tended to diminish its value; and a reduction of its quantity, to improve it;—that when the quantity became too great, a drain of cash arose; that this drain was checked by a limitation of paper;—and that the excess, and consequent drain, were most likely to accrue when any circumstances rendered the rate of interest taken, less than the current and actual rate at the time in the common market.

The case of the Bank of Paris was remarkably in point, and it was full of instruction to the parliament and people of this country. That Bank stopped payment in 1805, the year when the war had again broken out. It was a Bank as independent as any such institution in France could be, of the French government. It had a good capital, and circulated notes around the metropolis of France; which it emitted only in the way of discounts, and, as far as he understood, only on the security of bills at short dates, and of a good character: it thus exceedingly resembled the Bank of England, though inferior in the extent of its transactions. The French government having occasion in 1805 for some advances on the security of what they call their anticipations, a species of security on which it was not consistent with the rules of the Bank of Paris to lend, borrowed the sum in question of some French merchants and capitalists, who then contrived to fabricate among themselves, and proceeded to discount at the Bank, as many securities as were sufficient to supply their occasions; so that the Bank was the true lender. The object of thus borrowing at the Bank, was to save something in the way of interest; for if these anticipations had been sold in the market, the price would have been very disadvantageous. The consequence of this transaction was, an augmentation of the paper of the Bank of Paris; a drain of their cash followed; the diligences were found to be carrying off silver into the departments, which the Bank, with a view to its own safety, had continually to bring back, with much expense and trouble. The circulating medium of the metropolis had now plainly become excessive. Greater facilities were afforded for borrowing in that quarter than in other place and the country wished to partake i those opportunities of extending purchase which the metropolis enjoyed. But th paper of the Bank would not circulate i the departments; it was therefore neces sary first to exchange it for coin; an the coin being then carried away fro Paris, the plenty of circulating mediu would equalize itself through the Frenc territory. In England we had countr bank paper, which was interchanged fo Bank of England paper, and proportione itself to it; but no part of the Englis paper would circulate out of the country What therefore the departments of Franc were to Paris, that Europe was to Gre Britain. If large opportunities of bo rowing were afforded in London, and ove England, by a free emission of pape there would arise a disposition to exchang that paper for gold, because the gol might then be sent abroad, and it woul tend to diffuse over the continent th plenty of circulating medium which w had introduced into our own territory.—It might, perhaps, be thought that the case were dissimilar, inasmuch as we had a unfavourable course of exchange, and high price of gold, into which the ev which we suffered appeared to resolve it self. But it would be found that ther arose also a premium on silver at Paris and an unfavourable exchange betwee Paris and the departments of France; an this was proportionate to the expence an trouble of bringing back the silver fro the departments. There was, therefore, similarity in the two cases. The Bank o Paris at length stopped payment; the go vernment was consulted, the Bank wa directed to reduce its paper; and in th course of three months, having pursue this principle, it opened without difficulty The discount on its paper, or, in othe words, the premium on coin, had varie from 1 to 10 or 12 per cent.; but afte the reduction of paper it ceased. The exchanges of France with foreign countrie had also turned about 10 per cent. agains that country.

A special commission, of which M Dupont de Nemours was the secretary was subsequently appointed to inquire int the causes and effects of this stoppage o the Bank of Paris; and it was from the French Report published by this gentle man that he collected the facts which he had stated. The report proceeded t suggest the means of preventing the re rrence of a similar evil, and it advised ree things: first, that the government ould never solicit any loans from the nk, on the ground that such an appli-tion amounted to a demand, and might ad to issues inconsistent with the true ture of a banking establishment. It was necessary to observe, how unlike our rcumstances, in this respect, were to those France. Our Bank directors had suf-iently shewn, in 1796, their complete dependence of the government; for ey then peremptorily refused to afford Mr. Pitt even the continuance of the isting advances. The second suggestion the commission was, that the Bank of rance should lend only on securities ming due within two months; and this, well indeed as the other, was for the urpose of enforcing the third and prin-pal admonition,—namely, that the Bank hould always "draw in its discount as on as it perceived the existence of a ore than ordinary disposition to ex-hange bank paper for money*." "For hat," added the Report, "mean these plications for money? They imply that here are more Bank notes on the spot han the circumstances of the time de-mand. And how are you to provide gainst this evil? By diminishing their uantity, through a reduction which shall xceed the new emissions†." It is then dded, that if the directors of the Bank will but be attentive to the first signs of uperabundance, if they will moderate the vil in the first instance, they will almost lways retain the mastery; and thus the orseman (it is said) will not be thrown ut of his saddle.

Many of the principles urged by the Bullion Committee, would be found to be emarkably confirmed by this report. It ppeared by it, that the French over-issue rose from an attempt to turn certain se-urities into cash, at a rate of interest ower than that which was the natural one t the moment. The report dwelt much n the error committed in this respect. The anticipations, it said, ought to have been sold, though at a losing and discreditable price, at whatever might have been the rate in the market.

Again, the report stated that the limitation of the French bank paper did not produce an instantaneous, or exactly corresponding effect; but yet that after three months it issued in the expected consequences. All this was in exact conformity with the doctrines of the Bullion Committee. They had never said that every small fluctuation of Bank of England paper would be attended by either an immediate, or an exactly proportionate, influence on the exchanges, or on the price of gold. They had only affirmed that the unquestionable tendency of limitation was to improve exchanges; and had recommended that the Bank should feel its way. The discount of 10 per cent. on the French paper was not completely removed till the amount was reduced from 90 to 54 millions of livres; a scale of reduction unquestionably greater by far than would be found necessary here, under all the circumstances of our metropolis.

The Report affirmed another principle of the Bullion Committee, namely, that it was not merely the numerical quantity of bank paper which evinced either its deficiency or excess; the true test being the disposition of the public to demand payment for bank notes in cash. At one time the Report observed that one hundred millions of Bank paper had circulated at Paris, and that there was not a note too much, because there occurred no extraordinary demands for cash; but that at the period of the failure, 90 millions evidently were excessive; that at the time of publishing the Report, 44 millions was the whole amount. Circumstances were described as occurring from time to time, which called for a diminution of currency, or an increase.

The Bank of Sweden supplied another example which it might be useful to consider. It was not, properly speaking, a government bank, being a bank only of the States: and it issued its notes in the way of loan, at a moderate interest, and their amount, as he had been informed, there was reason to think had been much extended. This bank had ceased, for some time, to pay in cash, and its paper had fallen to about 70 per cent. discount. Sweden, in one respect, was circumstanced somewhat like ourselves: it had experienced great obstacles to the exportation of many articles, with which it abounded; and, probably, the desire of keeping up the nominal price of those commodities, contributed to dispose both the government, the states, and the people to the existing system. The public in Sweden, according to what he had heard, were not fully persuaded of the depreciation of their paper; for many of their commodities, their iron in particular, had not risen in any proportion to the fall of their currency. Indeed, nations in general were usually insensible at first to the declension of the value of their circulating medium. They were accustomed to experience fluctuations of exchange, and they naturally referred, at first, even a serious depreciation of their paper, to the same commercial causes which they were in the habit of contemplating. He well remembered to have been himself, twenty or thirty years ago, employed in a Russian counting-house, where he had often heard conversations on the Russian exchange. It used at that time generally, and on the whole, to decline; but as it occasionally rose, and evidently fluctuated a little, with each political or commercial event, the general tendency to depression, as far as he remembered, was never ascribed to an increase of the quantity of Russian paper; but it was now plain, that quantity had had a leading and permanent influence upon it. The ruble, originally, was worth 48 pence stirling; at the time when he was in the Russian counting-house, it passed for 35 or 40 pence: it was now worth only 12 or 14 pence. Was it possible, that merely what is called balance of trade, or political events, could in thirty years have reduced the ruble from 48*d.* to 12*d.*? It was now perfectly well known, that the late empress, as well as the succeeding emperors of Russia, had, from time to time, greatly augmented the quantity of paper money; and hence, in truth, arose the depression. Many of those who narrowly watched the exchange, were the most misled on the subject. Thus, if a man watched the falling tide, he might be deceived by seeing a few occasional waves rise higher than the preceding ones, and might infer that the tide was rising when it was falling.

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* "Reserrer l'éscompte, aussitôt que 'on s'apperçoit qu'il se presente à la Caisse plus de billets à réaliser en argent que de coutume."

† "Qu'est-à-dire que ces demandes d'argent? Qu'il y a sur la place plus de billets que les affaires du moment n'en exigent. Et comment y pourvoir? En diminuant leur quantité par un retrait plus fort que l'émission nouvelle."

It was reasonable to suppose, that men should generally mistake in this respect. We naturally imagine that the spot on which we ourselves stand is fixed, and that the things around us move. The man who is in a boat seems to see the shore departing from him, and it was the doctrine the first philosophers that the sun move round the earth, and not the earth roun the sun. In consequence of a similar pre judice, we assume that the currency whic is in all our hands, and with which w ourselves are, as it were, identified, fixed, and that the price of bullion moves whereas in truth, it is the currency of eac nation that moves, and it is bullion, th larger article serving for the commerce the world, which is the more fixed.

It was remarkable, that when the Am rican banks, about the year 1720, issu their excessive paper, the merchants America ascribed the consequent fall the exchange to something in the state trade; a circumstance which is noticed, the recent history of General Washingto by Mr. Marshall.

All the banks which he had mentione except that of Russia—namely, the Ban of France, the Bank of Sweden, and th Banks of America, were establishmen more or less independent of the gover ment: they all emitted their paper in th way of loan, furnished at a moderate low interest; and they had all issued it excess. The adversaries of the Bulli Committee had grounded a great part their argument on the following distin tion between the Bank of England and a those Banks of which the paper had bee depreciated:—The Bank of England, the said, issues nothing, except in return f something valuable: they receive a bi representing real property, for every no which they emit; and therefore they ca not issue to excess. Now the French Ban the American Banks of which he h spoken, and he believed also the Swedi Bank, issued paper only in the way loan; they received something valuable return for every note which they put o —in this respect resembling the Bank England. It was true, that the Austri and the Russian Banks issued paper simp in discharge of the expenditure of th government: they were, strictly speakin government Banks; and the excess in the case was more likely to be great. But was of the utmost consequence to unde stand, that, even when a supposed eq valent is received in return for the pap issued, excess might arise; and the e cess, as he had already said, was likely be great in proportion as the rate of inte est was low.

The Bank even of Mr. Law, in Franc issued its paper only in the way of loa his Bank had been adverted to by the arned gent. who opened the debate; and e right hon. gent. who spoke next to him .d complained of the comparison between e establishment of that projector and the ank of England. Undoubtedly the name Mr. Law, and that of the present direcrs of the Bank, ought not to be mentioned n the same day, if the general nature of e two establishments, or the comparative aracter of the persons presiding over em, were the only subject for considerion. It was, however, not improper to oint out what was the main error of Mr. aw. It very clearly exposed itself in a nall Essay on Money and Credit, pubshed by him in Scotland, containing a lan, submitted to the Scotch parliament, hich was apparently not unlike to that hich he had more successfully recomnended in France. Mr. Law considered ecurity as every thing, and quantity as othing. He proposed that paper money hould be supplied (he did not specify in is book at what rate of interest) to as nany borrowers as should think fit to aply, and should offer the security of land, stimated at two thirds of its value. This paper, though not convertible into the precious metals, could not, as Mr. Law ssumed, be depreciated. It would repreent, as he said, real property, and would e worth even more than the precious netals, because land was not subject to the ame fall in value as gold and silver. He orgot that there might be no bounds to he demand for paper; that the increasing quantity would contribute to the rise of commodities: and the rise of commodities require, and seem to justify, a still further increase. Prices in France rose to four times their antecedent amount; great seeming prosperity was experienced for a time; but in the end, the fall of exchanges, and the exportation of money, served to detect the error of the system; and successive alterations of the standard of the coin were among the means of recovery to which the government resorted. The Bank of Mr. Law preceded the French Mississippi scheme, and was formed, in some measure, after the example of the Bank of England; but its notes, after a short time, were made a legal tender, and they were lent at the low rate of 3 per cent. interest. In the progress of the scheme, the Bank became confounded with the Mississippi company, for whose actions the Bank notes were interchangeable; so that it was not easy to trace causes and effects through the whole progress of those extraordinary speculations.

The present state of the currencies in Surinam and Demerara afforded another proof of the tendency of an increase of paper to influence exchanges. In one of these places, the circulating medium consisted of paper; in the other, of coin; and before these colonies came into our possession, the coin of Demerara had even been of less value than the paper of Surinam, that paper having been carefully limited. Through the facility of the government of Surinam, the paper, as he had heard, had been exceedingly augmented, and it was now of only about one-third its former value, and one-third the present value of the coin of the neighbouring settlement. In Austria there had been a manifest excess of paper, and a corresponding fall in its value, indicated by the exchange. The case was somewhat the same at Lisbon. Indeed, in all parts of Europe, Hamburgh, Amsterdam, and Paris excepted, the principle of a standard seemed to have been lost; a suspension of cash payments had every where taken place; and paper had been issued to excess, and had also been depreciated. It belonged, therefore, to Great Britain to take care that she did not follow the course of so many nations on the continent; and it would be most presumptuous in her to assume that her Bank, on account of some undefined difference in its constitution, could act on their principles, and yet not share in their fate.

The Directors of the Bank of England, as he had already shewn, before the suspension of their cash payments, had been used to lessen their paper when they experienced a drain of their cash. The quantity of currency, indeed, when gold was in circulation, in the event of a very unfavourable exchange, lessened itself, for a part of it was transported to other countries. No such natural corrective now existed; and it therefore was important that the general and permanent state of the exchange should be regarded as the index of an excess of paper, and that the Bank Directors should not continue to act on the principle that a limitation of paper had no influence whatever on the exchange. This was the point on which they were at issue with the Bullion Committee. That Committee, as he conceived, would have rendered an essential service, even though guilty of all the errors with which the right hon. gent. had charged them—errors, however, which he was by no means ready to admit—if they had merely called the attention of parliament to this important subject. The parliament had now to decide on this point of difference between the Committee and the Bank. He would not affirm it to be totally impossible that the exchange should improve, or even recover itself, without any change of system: but his fears predominated. The circumstance that most encouraged hope, was the fact of our exchanges having been restored, after a great depression, in 1800, and 1801, and apparently without any effort to improve them made by the Bank. There were, however, three points of difference between that case and the present. First, the exchanges did not fall, in the years of scarcity of 1800 and 1801, more than about 8 or 10 per cent. below par—they had now fallen 25 or 30, and even more than 30 per cent. and had continued much depressed for nearly three years. Secondly, we had in 1800 and 1801 a great quantity of gold in circulation, the clandestine transmission of which undoubtedly contributed to improve the exchange, by constituting a remittance; perhaps also to diminish the sum total of the currency remaining in this kingdom; and it should be remembered, that it is the amount of currency in general, and not of paper in particular, which regulates the value. Thirdly, we had, after the fall of exchange in 1801 and 1802, the benefit of an interval of peace. If the right honourable Chancellor of the Exchequer would assure the House of the approach of peace, he would contribute much to dissipate the present fear.

The right hon. gent. over the way (Mr. Rose) had spoken of the balance of payments as having lately been peculiarly unfavourable to this country. A short time before the appointment of the Bullion Committee, the same right hon. gent. had stated in his place, from documents to which he only had then access, how uncommonly favourable the balance of trade appeared to be up to that time. He was right in his statement; for, upon an inspection of the annual Custom-house accounts of the year 1809, afterwards presented to the House, it appeared that the balance of that year was no less than about sixteen millions in our favour, if reckoned according to the official value—a balance greater by several millions than it had been in any preceding year. The balance, computed according to the real value, proved to be nearly as considerable, and equally exceeded the balance in real value of any preceding year. He admitted that the Committee had fallen into inaccuracy in stating some parts of this topic; but it was a subject on which he defied any man to arrive at any thing like precision, and he had chiefly to lament that they had attempted too much specification. They had been betrayed into this course by too great a wish to follow their adversaries into a detail of discussion of this sort, which he was happy to find that the resolutions of his right hon. friend did not much countenance. He was convinced that it was impossible to form any estimate of the amount of precious metals which went out of the country, or of what was called the balance of trade, by instituting calculations of the value of exports and imports, and by then combining with these the amount of drafts drawn on government account, and all the other items which remained to be added to the two sides of the statement. The errors committed by those who had gone the furthest in such attempts were a warning on this subject. The right hon. gent. had remarked, that the sum paid for foreign freights had been erroneously stated by the Committee, as being to be deducted from the favourable balance; and he was right to a certain extent, in this observation. It, however, only followed from hence, that the Committee had represented the balance somewhat less favourably than they should have stated it. The year which had passed subsequently to their Report, was certainly much more adverse than that to which they adverted, the large importations of corn in 1810 having materially augmented our imports. Neither this circumstance, nor the burning decrees of the enemy, on which much stress had been laid, were known at the time when the Committee made their report.

He must advert, before he concluded, to the important subject of the standard of our currency. There was great danger of our finally departing from it, if we suffered the present depreciation of our paper to continue. The first resolution of his right hon. friend appeared to him to be liable to the construction of laying in some claim to depart from it, if such a measure should hereafter be deemed expedient; for it asserted the King's right to alter the standard: and the very mention of such a right, at a period when the emptation to exercise it was occurring, might naturally excite apprehension among the public. Indeed the argument in favour of a deterioration of our coin (or of a change of its denomination, which was the same thing), would, while the present state of things continued, grow stronger every day. To change the standard when the paper has been long depreciated, is only to establish and perpetuate a currency of that value to which we already are accustomed, and may also be made the means of precluding farther depression. The very argument of justice, after a certain time, passes over to the side of deterioration. If we have been used to a depreciated paper for only two or three years, justice is on the side of returning to the antecedent standard; but if eight, ten, or even fifteen or twenty years, have passed since the paper fell, then it may be deemed unfair to restore the ancient value of the circulating medium; for bargains will have been made, and loans supplied, under an expectation of the continuance of the existing depreciation. If, therefore, we were in earnest in our professions of attachment to the standard, we ought not to place ourselves in a situation of irresistible temptation. By the present decision of the House, the question of adherence to the standard might be determined. It had been said, that, by our present contest in Portugal, we were in truth defending England, since we were preventing a conflict which might otherwise take place on English ground. We might, by the parliamentary contest of this day, prevent a struggle for the maintenance of the standard of our coin. We were now, perhaps, fighting that battle, and at a time the most favourable for it. If the limitation of paper had been urged when the exchanges were only six or eight per cent. against us, it might have been said, that the evil was not sufficiently considerable to deserve attention. If we waited till they were fifty or sixty per cent. against us, it might have been insisted, that the time for administering such a remedy was past, and that the mischief was become too formidable for us to deal with. Was it not at least prudent to take the side of limitation? He had no idea, that all that embarrassment would result from a moderate reduction of Bank paper, which some gentlemen might suppose. Let the whole subject be fairly understood, for much depended on the general prevalence of sound opinions on this question;—let the contending parties yield a little to each other; let it be known that the Bank proposes to do nothing sudden or violent; that they are determined to guard carefully against extensive failures; and to afford to the mercantile world reasonable facility for fulfilling the pecuniary engagements into which they might have already entered; let it be seen through the country, that there was no party spirit, or heat in our discussions: he should in that case have little fear of disastrous consequences. If, on the other hand, the question was to be carried with a high hand, and there was to be a triumph of the Bank over the Bullion Committee; if the Bank were to be encouraged in the extension of their issues for the sake of the temporary ease which these might afford to the merchants and to the government; and we were resolved to shut our eyes to the remoter consequences; the light might possibly, at length, break in upon us, as Mr. Burke, on another occasion, had observed, not through the ordinary apertures, but through flaws and breaches; and we might then lament, too late, that we had not made timely efforts to restore the value of our currency. Gentlemen, he feared, had not sufficiently considered the present state of the law on this subject. A question was suspended, the decision of which was expected every day, and might lead to the establishment of two prices. We were, moreover at the mercy of events. Many persons seemed to think that there was no particular evil to be apprehended from perseverance in the present system; and were unwilling to resort to a limitation of paper, because it was safer not to change our course: but they ought to reflect, that though a small depreciation of paper produces little or no evil, and even may, for a time, operate beneficially; and though a great depreciation may not bring on at once any striking mischief; yet the long continuance and the growth of it might lead to the most serious dangers. To the consequences of excess of quantity distrust might add itself: new laws might become necessary to enforce the receipt of the depreciated currency; and in order that they might be effectual, their severity must increase as the depreciation extended itself. This had been the course in other countries. At the same time, there probably would not be wanting ill-affected persons, who would endeavour to aggravate the evil, and would be glad to connect with the temporary discredit arising from the excess of our circulating paper, the discredit of the whole mass of our stocks, which had nothing to do with it. Surely it became the parliament to anticipate the possible occurrence of such a state of things, and not to wait the uncertain course of events, as if we had no power whatever to provide for our own safety, or contribute to the improvement of our condition.

On these grounds he now supported the first set of the Resolutions of the learned gentleman, which affirmed the doctrine of a standard, and which recommended, as the means of expediting and insuring our return to it, a cautious restriction of the paper of the Bank of England.

At half past one the further consideration of the question was adjourned till to-morrow.

HOUSE OF COMMONS.

Tuesday, May 7.

REPORT OF THE BULLION COMMITTEE—ADJOURNED DEBATE.] The order of the day being read, for the House to resolve itself into a Committee of the whole House, to consider further of the Report which, in the last session of parliament, was made from the Select Committee appointed to enquire into the cause of the high price of Bullion, and to take into consideration the state of the circulating medium, and of the exchanges between Great Britain and foreign parts; the House having resolved itself into the said Committee, Mr. Lushington in the Chair,

Mr. *Vansittart* rose and said:

Mr. Lushington; Notwithstanding the evident fatigue of the House, in which I fully shared, when I addressed you at a late hour last night, it was not without some reluctance that I could forego the earliest possible opportunity of expressing my astonishment at the extraordinary manner in which this important discussion has been brought forward.

It was, indeed, with no less surprise than regret, that I first found that the Bullion Committee, composed of men so sagacious, so well informed, so conversant in business, so respectable in every point of view, had formed conclusions so different from those which the evidence before them, as well as the public and well known state of things, would have pointed out to me. I was again surprised to find that my learned and honourable friend, the chairman of that Committee (Mr. Horner), should, after an interval of reflection, of near a twelvemonth, during which time an active and intelligent controversy had been constantly carried on, respecting their Report, still feel his confidence so undiminished, as to propose to make it, without further inquiry, the ground of a legislative proceeding of the utmost importance. But above all, was I astonished last night, to find that the learned chairman, after recommending to the House, in a speech of unusual eloquence and ability, to adopt and record upon its journals, all the principles and reasonings of the Bullion Committee, should propose to stop short there, and to postpone the only practical conclusion to which those principles and reasonings were designed to lead. The last Resolution is the substantial practical recommendation of the Bullion Committee. The other Resolutions are only explanatory and introductory, and might, if they were well founded in fact and law, be admitted, and placed on the journals, with perfect innocence, but perfect uselessness. The learned chairman, however, wishes to establish his premises, but he hesitates about his own conclusion. He asserts the existence of an enormous evil, for which he says, we have a safe and certain remedy in our hands; yet he desires us to recognise the existence of the evil, but to postpone the remedy.

I can only see one method of accounting for such conduct, consistently with the known talents and character of the Committee; namely, that they are not serious in the propositions they have brought forward; that they either suspect some latent fallacy in their own doctrines, or think them inapplicable to practical purposes. While they feel desirous of saving the credit of the theory, they shrink from the hazard of its application; and we now see those gentlemen trembling on the brink of the precipice to which they have led the nation, under the delusive hope of safety, and afraid either to advance or to recede.

But this suspicion, that the Committee are already fearful of the practical effects of their own doctrines, is strongly indeed confirmed by two other circumstances observable in their late conduct.

The first of these is, that the learned gentleman has not thought proper to introduce his motion for a repeal of the Bank Restriction Bill, by a previous moion for a repeal of the laws which prohibit the melting and exportation of our current coin. It is, indeed, very remarkable, that the Committee have in the Report shown great caution and reserve on this subject. They have not, usually, been so diffident; but on this point they rather hint at, than express, an opinion. They call it a law of "ancient, but doubtful policy;" of "questionable policy;" but they do not recommend its repeal, nor has the learned gentleman proposed it.

Yet it is undeniably certain, that if that law can be effectually enforced, the repeal of the Bank Restriction must, upon all the principles laid down by the Committee, aggravate the very evil for which they propose it as a remedy. For it is evidently impossible for the Bank to resume its payments in cash, without the importation of a considerable supply of bullion for the purpose of coinage. This importation must depress the exchange to at least as great an extent as the purchase of any other article to an equal amount, and we should thus, at a great national loss, only make our condition so much worse. For the purposes of exchange it is perfectly indifferent whether the circulation of the country consists of paper, or of coin which cannot be exported.

The only mode in which a metallic currency can have a favourable effect on the exchange, is by its exportation. In that manner it will undoubtedly operate to the same extent as an equal quantity of bullion. And, therefore, an abundant currency of coin, by furnishing a supply for exportation, will produce an effect. But if the exportation is prevented, no effect can be produced. To foreigners it is indifferent whether our internal payments are made in gold, or by any other contrivance.

Do the Committee then mean that the law will be ineffectual, and that the real though clandestine exportation of coin will take place? I will not do the Committee—I will not do the learned gentleman the injustice of suspecting they can mean to countenance a system which gives the illegal a decided advantage over the fair dealer, which habituates and hardens the trader in the evasion and breach of the law; nay, which is carried on by direct fraud and perjury.

To repeal the law, would, on the contrary, lay a fair foundation for their system; and that they have not proposed to do so, affords to my mind a strong presumption, that they feel a latent doubt of its soundness or of its tendency.

Another circumstance not less remarkable, is the conduct of those gentlemen with respect to a measure which lately received the sanction of the legislature, and which is now carried into execution (so far as I can learn), with the happiest effects—I mean the Act for the relief of trade by an issue of exchequer-bills.

The learned mover of the present question was indeed absent during the progress of that Bill; but most of the other members of the Committee were present, and several of them took a considerable share in the discussions upon it.

Yet not one of those gentlemen opposed that Bill, on account of its direct opposition to the principles laid down in their report, or indeed voted against it on any occasion. The great evil complained of in the report, is a supposed excess of the paper currency of the Bank. Now what were the object and the effect of that measure? Its object was to afford relief to the embarrassments of the merchants and manufacturers, by an issue of paper; and its effect may be, to increase our paper currency in a few weeks, more than the Bank has ever done in the course of several years.

Will it be said that these exchequer-bills are not a paper currency, when they are issued for sums so small as twenty pounds, for the express purpose of being passed in ordinary payments; and when it is obvious that the whole effect and utility of the measure, depend on their being rapidly thrown into circulation, either directly in the way of payment, or indirectly by means of sale or pledge to the Bank, or other issuers of circulating paper? Or will it be said that the Committee were taken by surprise, and not aware of the nature and tendency of the measure, when it appears from their report, that they had the subject distinctly under consideration, with reference to the former Act of 1793, and have reported a clear, and as it seems to me, an accurate opinion upon it?

What says the Bullion Report itself? Adverting to the circumstances of 1793, it contains the following passage:—"In the year 1793, a distress was occasioned by a failure of confidence in the country circulation, and a consequent pressure upon that of London. The Bank of England did not think it advisable to enlarge their issues to meet this increased demand;

and their notes previously issued, circulating less freely in consequence of the alarm that prevailed, proved insufficient for the necessary payments. In this crisis, Parliament applied a remedy very similar in its effect to an enlargement of the advances and issues of the Bank. A loan of Exchequer-bills was authorised to be made to as many mercantile persons, giving good security, as should apply for them; and the confidence which this measure diffused, as well as the increased means which it afforded, of obtaining Bank-notes through the sale of the Exchequer-bills, speedily relieved the distress both of London and the country. Without offering an opinion on the expediency of the particular mode in which this operation was effected, your Committee think it an important illustration of the principle, that an enlarged accommodation is the true remedy for that occasional failure of confidence in the country districts, to which our system of paper credit is unavoidably exposed."

How then could those gentlemen, feeling and expressing as they did, in common with others, the obvious objections which presented themselves against the late creation of Exchequer-bills, and knowing likewise that it was utterly subversive of the doctrines of their report, yet concur in voting for the Bill, but that they entertained so much doubt of the expediency of carrying their own theories into practice, as to give way to a measure, which the public opinion seemed to call for, as required by the extraordinary circumstances of our present situation?

I applaud this instance of their caution and moderation, and it leads me to hope that though they have thought it necessary, for whatever reasons, to propose the present most extraordinary proceeding, they will not feel any disappointment if they find the sense of the majority against them.

My learned friend has accused me of having drawn the Propositions, which it is my intention to submit to the consideration of the House, in case they shall concur with me in rejecting his proposed Resolutions, in such a manner, as to give no clear view of the principles for which I mean to contend. In the first place it is not my object to pledge Parliament to the recognition of abstract principles, but to record facts. I believe the British Parliament to be the most intelligent and enlightened body of men in the world, and it is so happily composed, that no subject either of science or of practice can be introduced, which will not meet with many adequate judges. But I by no means think that it is in any large assembly, even so composed, that abstract principles are best discussed and decided.

In the next place, it is not so much to the principles of my learned friend's Resolution, that I object, as to the application of them; I perfectly agree in principles which he has applied to facts, to which, in my opinion, they can have no reference, or which I think wholly unfounded; and this will be evident to any gentleman who will compare his Resolutions with mine.

I agree with him, for instance, when he says, that he is desirous of reverting to the state in which our currency was, previously to 1797; and though I do not allow that my sixteenth proposition goes the length of admitting, that cash payments are the only security against excess of circulation, I agree that it strongly expresses an opinion, which I strongly feel, that a circulation of cash, and of paper convertible at pleasure into cash, is the most secure and advantageous to the public interests. But we differ about the means of returning to this state. He is for attempting it positively and absolutely, without regard to consequences, or even to practicability: am for waiting till a violent and unnatural state of things shall have ceased, during the continuance of which, our object cannot be obtained, and the attempt would only aggravate the evil.

Another point on which we agree, is that it is most important to preserve the assistance derived from the Bank. But how does he propose to preserve it? By reducing the Bank to a situation of distress and ruin, by cramping its operations, and making it a burden, instead of a support, to the public.

I will not now dwell on a point to which I must hereafter revert, but proceed to one on which the learned gentleman has reasoned largely, and with the greatest confidence, which has been most strongly relied upon by those, who, in this long controversy, have reasoned on the same side of the question, and to which no fewer than the first seven of the proposed Resolutions seem exclusively directed. I refer to the standard of value. We are told that our standard is changed or lost, and triumphantly asked, where we shall now find it? One should suppose the standard was something visible and tangible, which d been accidentally mislaid, and that ought to offer a reward for bringing back again. But I affirm, that a standd in the sense used by these gentlemen, mely, a fixed and invariable weight of e precious metals, as a measure of value, ver existed in this country. In order afford some ground for the argument, the arned gentleman is obliged, in his very st proposition, to affirm, in direct contraction to the fact, that the "weight at hich any such money is authorized to pass rrent is fixed." Now I would ask at what ced weight silver money is authorized to ass current? For any sum not exceeding 5*l.*, it is a legal tender at whatever eight; and certainly of payments made actual cash, at least 999 in 1,000, are r sums under that value, and were so bere the Bank restriction; and can that e denied to be a true standard of value, hich is the actual measure of payment in vast majority of transactions?

The degree in which our silver coin is educed in weight is familiar to every one; nd a paper lately laid before the House hows the great inequality of that reducon in different coins. But they all connue to be equally a legal tender. A note or 5*l.* may be paid, either in silver new rom the mint, and weighing, according to he average weight stated in that paper,

	lb.	oz.	dwt.	gr.	
	1	7	7	2;	or in
20 crowns, weighing	1	6	14	7;	or in
40 half-crowns, weighing	1	5	8	2;	or in
100 shillings, weighing	1	2	13	9;	or in
200 sixpences, weighing	1	1	3	3.	

The sum of 25*l.* may be legally discharged in sixpences, weighing 5lbs. 5oz. 15dwt.; but to pay 25*l.* 0*s.* 6*d.* would require no less than 8lbs. 0oz. 15dwt. of the same coin.

Now I would ask my learned friend, which of those different weights of silver, all of which would be equally a legal tender, is the true standard?

But in 1797, when my learned friend admits the true standard to have existed, the case was still stronger. The act of 1774, by which the legal tender of silver money was limited to 25*l.*, a limitation then first introduced, had expired in 1783, and was not revived till 1798. Therefore, at the very time when our standard is supposed to have been most perfect, silver money, of whatever weight, might be tendered to any amount. The whole interest of the national debt might have been paid in crooked sixpences, if the directors of the Bank had thought fit. It is said, that, in 1745, they actually had recourse to such an expedient for a temporary purpose, and it was perfectly legal for them to do so.

It is therefore evident, that, so far as relates to silver money, the first of my learned friend's propositions is wholly unfounded, and that with it the six next, and indeed all the remainder, must fall to the ground. And as the silver coin was, till within modern times, the only legal tender in payments (Mr. Locke even contending that no other substance was fit to be made the standard of value); and as it is still as much a standard in law, and more so in practice, than the gold coin, I might be contented to rest my argument here; but I shall say something respecting the gold coin.

In the first place, no limitation of the current weight of gold coin existed down to the year 1774; and, therefore, all my reasoning with respect to the silver coin applies with equal force to the gold coin down to that time; and this ancient, established, invariable standard so much talked of, had no existence till within the period of his present Majesty's reign. But what was then made the standard? Was it 5dwts. 0oz. 9½gr., (the mint weight of a new guinea), for 1*l.* 1*s.*, or 5dwt. 0oz. 8gr., the current weight? The difference is not great; but it destroys the principle of a fixed standard as much as if it were, if fixed standard must be something accurately defined, certain, and invariable; and such a standard the metallic currency of this country has never been.

I am not enquiring whether on general principles of policy we ought not to seek to establish such a standard, but I am contending that the learned chairman's Resolutions are false in fact, and his complaints groundless; for we cannot have lost what we never possessed.

The discussion is not only important in itself, as overturning the basis of the learned chairman's proposed Resolutions, but it is closely connected with the leading doctrine of the Bullion Report, that of the depreciation of bank-notes. He says that my propositions are an evasion of the question, and that I ought distinctly either to admit or deny the fact, that Bank-notes have lost their standard value. Now, I do not conceive myself bound either to admit or to deny, that bank-notes have lost a value which they never possessed, and which the legal coin of the country never possessed, namely, a value estimated by a fixed weight of gold or silver bullion. They never had any other than a current value founded on the public confidence in the Bank, and this value I firmly believe, and have distinctly stated in my third proposition, that they possess as much as ever.

Even in current coins, as I have shown, in the instance of the silver coins, the current value is by no means regulated by the intrinsic or metallic value, and this applies as much to the purchase of bullion as to any other transactions. And I contend that, for all legal and authorised transactions within the kingdom, even such purchases of bullion, Bank-notes are considered and accepted as equivalent to legal coin. My learned friend, indeed, denies them to be equivalent to coin in public estimation. Now, I should like to know in how many cases he has himself found them not equally available for all the purposes to which coin would have been applied?

But before I proceed in this discussion, I should be glad to put a question to an hon. gent. opposite (Mr. Huskisson), a leading member of the Bullion Committee, who has written with great ability on this subject, and which, though a little irregular, he will, perhaps have the goodness to answer, as it may save much time, viz. in what sense the term depreciation, as used by the Committee, is to be understood? For it appears to me, that, in this controversy, the word depreciation is used by those who assert its existence, in different and even incompatible senses.

They sometimes appear to mean that Bank-notes have lost a part of their current value as compared with the legal coin which they represent; and this is the obvious and popular meaning of the word, and the only one which is intelligible to the greater part of mankind. But sometimes the meaning seems to be, that Bank-notes, although passing current at an equal rate with the legal coin, have lost a part of their value as compared with all articles of purchase. I hope the hon. gent. will answer, that the word is to be understood in the latter sense, because he has told the public, "that the value of the gold contained in a guinea, in its state of coin, and when used as currency, is only one twentieth more than that of a pound note*;" and if so, I shall not only think it less necessary to enter into a length of discussion, but, which is of much more consequence, I shall consider it as a very important point decided in favour of the public credit of the country.

If the hon gent. cannot be induced at present to give an answer to my question, I must trouble the Committee by arguing the case both ways. It cannot, indeed, be expected that I should bring direct proof of the negative. It is for the Committee to prove the depreciation of our currency, in whichever way they choose it to be understood; and if they mean it in the first and obvious sense, namely, that Bank notes are become of less value than legal money in ordinary transactions, it seems particularly reasonable to hold them to strict proof of the fact, because it is not only most important and alarming, but because, in the first instance, it strikes me as contrary to every day's experience, and it seems to be a fact which, from its nature, cannot be doubtful or concealed. When we are told that a Bank-note of one pound is only worth 17*s.*, it seems obvious to answer, that no man has ever hesitated to give us 20*s.* for it, either in money or in goods. Yet the only proofs of this important fact attempted by the Committee, rest on intricate and abstruse reasoning, and are entirely drawn from circumstances attending the exchange.

They produce a calculation to show, that the fall of the exchange has considerably exceeded the expense and risk of sending gold bullion to Hamburgh; and they also show, by a calculation of the prices of bullion here and abroad, that there is a similar difference between the actual rate of exchange, and the comparative prices at which gold bullion could be sold in the one country, and bought in the other; and this coincidence they state as a demonstration of the depreciation of our currency.

It seems unnecessary, for our present purpose, to detain the House with any criticisms on the calculations themselves, or even to enter into the abstract reasoning on which the supposed demonstration is founded; for one thing is indisputably clear, viz. that Bank-notes could not be depreciated while they were convertible at any time into their nominal amount in cash; and therefore that whatever circumstances attended the course of exchange, while they were so convertible, they could not be occasioned by the depreciation of Bank-notes. And it evi-ently follows, that if the same circumstances which occur at present can be shown to have taken place while the bank continued to pay in cash, their existence is now so far from a demonstration, that it does not even afford any presumption, of such a depreciation. Among many instances, I shall only cite two or three, and leave it to the cool consideration of the Bullion Committee to reconcile them to their theories as they can. And I am the less inclined to take up the time of the House with any detail on this subject, as my right hon friend the Treasurer of the Navy has entered into it so fully, and as it seems unnecessary to multiply examples of a circumstance which occurs so frequently, as that of a rate of exchange, much exceeding the expence and risk of the transportation of gold from one country to another.

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* Question stated, p.39.

In January 1760, for instance, the exchange between London and Hamburgh was near eight per cent. in favour of London. The expence and risk of importing gold from Hamburgh to England, could not at that time have much exceeded three per cent.; so that, according to the principles laid down by the Committee, this fact amounted not to a presumption—not to a ground of inference only—but to a demonstration, that the currency of Hamburgh was depreciated. Yet it is well known, that no paper currency was then, or has ever been issued by the Bank of Hamburgh; and it is as little possible that the effect can be produced by any debasement of the metallic currency of Hamburgh, because all bills of exchange are paid there in Bank money, which represents a deposit of fine silver by weight.

The very same year, however, the exchange varied so much, that in November it was six per cent. against England. This therefore was, according to the arguments of the Committee, a demonstration of a depreciated currency in England. Yet there was at that time and long afterwards, no paper currency in England, but what was immediately convertible into cash at the will of the holder.

One later instance, however, deserves particular notice, from the peculiarity of the time when it happened, which was that of the restriction of cash payments at the Bank. This, as most of us must remember, at first produced a great alarm, and was considered as a formidable crisis of public and private credit. Among other effects, a great fall of the exchange was confidently, and, I will allow, not unreasonably expected from it. Yet, after the first intelligence, the exchange continued gradually to rise; and within a few months in November 1797, became more favourable than it has ever been known; being above thirteen per cent. in favour of England; and this at a time when the expense and risk of sending gold from Hamburgh to England amounted to about three and a half per cent. only, and when the circulation of England was principally carried on in a paper currency, which might have been supposed to have suffered some diminution of its credit, by the novel and extraordinary circumstance of its being no longer convertible at pleasure into cash, and when there was at Hamburgh no paper currency whatever.

So far as the supposed demonstration rests upon calculations respecting the price of gold bullion, I will venture to say, that its variations have been too irregular to afford any certain ground of reasoning whatever.

In England, for instance, it has usually happened, that when the exchange became unfavourable, the price of gold rose; and when the exchange has been favourable, that it has fallen (though by no means in any certain and assignable proportion); and this is intelligible, and consistent with theory.

But in Hamburgh the very reverse has been the case:—the price of gold continued to rise from January to September 1809, though the exchange was growing more favourable the whole time; it then fell without any material variation of the exchange, and continued at the lower rate when the exchange became less favourable.

But what is more remarkable, the price of gold at all the places respecting which the Committee seem to have made any inquiry, at Hamburgh, Amsterdam, and Paris, has considerably exceeded the par price. At Amsterdam, it has been no less than seventeen and a half per cent. above par, which exceeded the highest price in London*. Now, if the high price in London be a proof of the depreciation of our paper currency, the high price at all those places must be equally a proof of the depreciation of their paper. But at no one of those places does any paper currency exist, excepting the notes of the Bank of France, which are inconsiderable in their amount, and payable in cash.

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* See Mr. Rutherford's Hints from Holland.

Instances are also mentioned in the report itself, in which gold has been sold in England, previously to the restriction of the Bank payments, at eight, ten, and even twelve per cent. above the mint price. In these cases, as well as in the foreign cases I have mentioned, and in many others which might be referred to, the effect could not arise from the depreciation of paper currency. It must have had some other cause; and why should not the same effect be now ascribed to the same cause, whatever it may have been, which produced it in these different instances?

The Committee are unwilling to admit the fact of a general scarcity of gold. I can only say, that the rise of prices in countries in which the exchange is favourable, as well as where it is unfavourable, seems to afford a presumption either of scarcity, or of a generally increasing demand. But I do not affirm the fact, I am not assigning a cause for the high price of gold. It is for the Committee to prove, that it can have no other cause than that which they assign, and in this proof they have completely failed.

I have already observed, that the burthen of proof ought to rest on those who assert the depreciation of Bank-notes. We who deny it, need only appeal to common observation and opinion. And it is difficult to have stronger evidence of the general opinion, than the Appendix to the Report contains. One gentleman only, of whom (as he is not named) we know nothing more, than that he resides abroad, therefore has not had the means of forming his judgment on the spot, states an opinion, that, "as he valued every thing by bullion (a mode of valuation wholly different from that which we are now discussing), he conceived the paper currency of this country to be depreciated to the full extent of fifteen to twenty per cent.;" but that "he never heard the solidity of the Bank of England doubted either at home or abroad;" while every one of the other witnesses (some of the most considerable bankers and merchants in England) states most positively, that Bank-notes are not depreciated. I do not refer to these testimonies as decisive of the fact, but as proof of a concurrence of opinion among persons extensively engaged in business. But I think we have something like direct proof to offer, in contradiction of the fact of depreciation, and that of a very simple and very decisive nature.

It is well known, that, as the law now stands, Bank-notes are not a legal tender. A person offering them in payment, is indeed protected from arrest upon mesne process; but the creditor may refuse to accept them, and proceed to judgment and execution, either against his person or effects, until payment is obtained in lawful money. Now in nearly fourteen years that this law has subsisted, I know of no instance of such a proceeding. It may be said, that in small payments the expense and inconvenience of a law-suit would have exceeded the advantage. But this cannot be said of large sums—large mortgages, for instance.

A hint seems to be given me by a learned friend (Mr. Morris), that some such instances will be produced. They have certainly escaped my inquiries, and, I think, must be few and obscure. But I should not allow any such instance to prove the depreciation of Bank-notes, without fully considering its circumstances. It may have taken place in transactions notoriously illegal, or connected with the clandestine exportation of coin; it may have been the result of malice and vexation; or it may have originated in mere caprice, perhaps in a wager or some such motive.

Such a proceeding might indeed be considered as severe and oppressive. But is there no such thing as a rigorous creditor to be found? Are men universally, and without exception, so scrupulous in enforcing their legal rights to the utmost? But I will suppose they have been restrained by the fear of censure and of loss of reputation; and I desire no better argument; for in a matter, which, after all, is completely a question of opinion, to show that the general opinion and feeling of mankind is with us, is to gain the cause. Bank-notes, then, are established as equivalent to cash, not by law, but by the general concurrence and agreement of the nation; while in other countries, the law has frequently attempted to fix a value upon paper currency, which opinion and practice refused to it.

Accordingly, it is not even asserted, that any difference is made between cash and Bank-notes, in any bargain or transaction whatever. I know of no illegality in such a bargain. A tradesman may lawfully say, "The price of such an article s six pounds, but I will take five guineas n gold; the price of such another is one pound, but I will take seventeen shillings n silver;” yet no instance of such a practice has been produced.

A few instances of this sort of dealing, would indeed be of no great importance. A small premium has long been given by bankers and others to collect silver coin, for their small payments, even in the present degraded state of silver money; yet it was never considered as a proof of the depreciation of guineas; and similar motives of convenience might lead persons to collect cash for a particular purpose, without any idea of its being generally of superior value to Bank-notes.

But if no such practice has in fact been introduced, it is impossible to have a stronger practical proof that Bank-notes are not in a state of depreciation.

On this subject we find a curious inconsistency in the reasonings of those who maintain the depreciation of our currency. We are told at one time, that Bank-notes have really lost their value in the public opinion, and that if they still pass current at their nominal value (which no one has been bold enough to deny, though it is a fact destructive of their arguments,) it is only owing to the force of law, and the fear of prosecutions. Yet we are told by the same persons, that it is utterly impossible to support, by the force of law, a paper currency which has lost its value in the public opinion, and that any attempt to enforce its currency, would be more likely to hasten than to retard its depreciation.

In this latter opinion I am much inclined to coincide. Such at least has been the result of experience in those countries, the paper currencies of which have by the Bullion Committee been so strangely compared with that of the Bank of England.

These are the American paper money, the French assignats, and the Austrian government paper. Abundance of other instances, just equally applicable, might be adduced, for they want almost every circumstance of similarity. The profusion with which, in those cases, the currency was multiplied, would alone take away any ground of fair comparison. The American paper began with an issue of 3,000,000 dollars in July 1775; in one year they were increased to 20,000,000; yet they still circulated without any considerable depreciation. In December 1777, they were multiplied to 70,000,000; and were then fallen to half their nominal value. Yet the issue still went on, and in October 1779 there were 200,000,000; passing at ninety per cent. loss; and in the next year the issue ceased, as they were no longer accepted at any value whatever.

The progress of the assignats was similar. In April 1790, the first issue took place to the amount of 400 millions of French money. In September 1791, they had been multiplied to near 1,500 millions; and in fifteen months more to 2,300 millions; and the issue continued with increasing rapidity, till they were totally discredited.

Of the amount of the Austrian paper money I cannot speak with any precision; but from some late proceedings of the government it may be inferred to be not inferior to any of the sums I have mentioned.

Now if the notes of the Bank of England had been multiplied in the same manner, I cannot doubt they would have shared the same fate; but when I see that they have in fourteen years increased only about twelve millions (of which only three millions and a half are in notes exceeding 2*l.* value,) and can distinctly trace the causes of every step of that increase, I cannot forbear asking the gentlemen of the Committee, whether it was just, or wise, or beneficial, to make such an invidious comparison?

The amount, though a striking, is, however, by no means the only circumstance of distinction. The paper money alluded to, was in every instance a new paper issued by a government already involved in debt and discredit, and struggling for an immediate resource—the notes of the Bank have for a century been established in full credit as issued by a corporation of the highest reputation for wealth and punctuality, and known not to be debtor, but creditor, to an immense amount, both to government and to individuals.

The paper of those countries was issued not with any view to profit, but to supply the exigencies of war, and measured in its amount, not by any views of commercial advantage or public convenience, but by the necessities of bankrupt governments. The Bank never issues its paper but for value received, and for a certain profit, and regulates the amount of it by the demands of public accommodation.—Their paper was forced upon the people by the authority of government, though notoriously passing at a discount in transactions of all kinds—the notes of the Bank are no legal tender, but pass freely, and have not been discredited in any instance.

It is unnecessary to dwell further upon this comparison, but I must shortly touch upon a case which arose near home.

I have been alluded to as a member of a Committee, which, in the year 1804, examined the state of the exchange with Ireland, and which was of opinion that the notes of the Bank of Ireland were in some degree depreciated at that time. I certainly was a member of that Committee, and concurred in their opinion; but the circumstances proved before us were too different from the present to afford any fair ground of argument from analogy in this discussion.

It appeared not only that the current coin was publicly sold at a premium, but that an established difference of price existed between payments in coin and in Irish paper, while the paper of the Bank of England produced the same premium as guineas. But if, from those circumstances, I infer that the Irish paper was depreciated, I think it doubtful whether that depreciation was owing to any excess of issue, although it appeared that the paper, both of the Bank of Ireland and of private banks, had been rapidly increased, and that an immense number of notes for very small sums, called silver notes, had been introduced into circulation. I rather believe that, from the apprehensions naturally remaining, in consequence of the rebellion in 1798, and from some recent circumstances of alarm, a degree of suspicion and discredit attached itself to all paper issued in Ireland, and had extended itself from the notes of the private banks to those of the Bank of Ireland itself. But from whatever cause the state of the Irish currency at that time might arise, no inference with respect to the notes of the Bank of England can be fairly drawn from it, unless the circumstances of the case were similar.

I cannot leave this first and most important part of the case, without reminding the Committee that I am not bound to prove a negative—that the Committee have undertaken to prove the fact (a most alarming fact, if it be true) of the depreciation of our currency, and that they have produced no proof but what is, in the highest degree, vague, inconclusive, and fallacious.

It is of the utmost importance in this discussion to keep the consideration of the two kinds of depreciation completely distinct, and it is by confounding them that the Bullion Committee appear to me to have puzzled their readers, and, (if I may be excused for saying so) to have puzzled themselves. I shall, therefore, take the liberty of distinguishing them, by calling the one a depreciation from discredit, the other, a depreciation from excess. A depreciation from discredit can only take place in paper or other representative currency, and not in that which has an intrinsic value, and it would undoubtedly have the consequences attributed to it, by the Committee, of producing an unfavourable exchange, and raising the price of bullion. It would also have other most injurious effects, for it has scarcely ever happened without leading to national bankruptcy; and I am not afraid of pronouncing that terrible word, because our situation is completely different from that of any country in which such a calamity has ever taken place.

But a depreciation from excess may equally take place in metallic currency; and though, when it arises from an increase of paper currency, it is always dangerous, because it has a constant tendency to produce discredit, yet, so long as it only shows itself in a general rise of prices, its effects will be of a totally different nature. Experience indeed has shown, that great variations may exist in the amount of circulating currency without producing that immediate effect upon prices, which the Committee represent as invariably and necessarily following even small and local changes.

In this age of revolutions, in which the most tremendous experiments have been made on the structure of society and the happiness of man, great experiments have, among the rest, been tried upon currency. When the French revolution broke out, the circulation of that country was almost wholly metallic, and abundant in amount. A paper-money was then introduced, and rapidly augmented. But the price of commodities by no means increased in proportion to that augmentation, nor indeed varied much, till that paper became discredited. In the confusion which ensued a considerable rise took place. After some years the paper, being totally discredited, disappeared, and metallic money again took its place—at first in scanty pro-tions, and afterwards in greater abundance. Yet the price of articles did not fall in proportion to the scarcity of currency, but continued, and still continues, much higher than before the revolution, when coin was much more plentiful.

Another instance took place in Prussia. In that country, previously to the French invasion, money was in considerable plenty, and yet prices were generally low. It has since been drained by the exactions of the French to such a degree, as to occasion general poverty, and a great scarcity of cash, yet the price of most articles is higher than formerly.

I certainly do not mention these cases with a view of contradicting the general proposition, that an increase of currency will occasion an increase of prices, but to show that it is capable of some modification, and is rather to be understood as applying to the general system of nations, connected with each other by commerce, than to a particular nation, and still less to particular districts in the same country.

Assuming, for the present, that within the two last years, in which the exchange has fallen so remarkably, the prices of all articles have risen proportionally in this country (a fact which I shall presently examine), I take upon myself to affirm, that such a circumstance not only would not have the effect ascribed to it of lowering the exchange, but would have an effect directly contrary. I affirm this not only on what appears to me a clear principle of reasoning, but on an authority to which I should have expected the Bullion Committee to pay some deference—that of the late sir Francis Baring. And I am happy that this reference to his evidence affords me the opportunity of joining in that tribute of regret for his loss, and respect for his memory, which was paid by my right hon. friend (Mr. Rose).

To sir Francis Baring the following question was proposed in the Committee:—"Supposing the excess of the circulation of paper to be in a degree such as to increase the price of commodities, would that increase of price produce any effect upon the foreign exchange, until it arrived to a degree so as to check the exportation of merchandise?" Sir F. Baring replied:—"An excess of paper circulation will, no doubt, affect and raise the price of the whole of the productive labour and industry of the country. The proportion that is exported will participate to the extent of its value; and as the necessary consequence of high prices is a reduction on the demand, it must operate decisively on the foreign exchanges, unless they are supported, or the fall counteracted, by an export of bullion. But until the demand or exportation is checked, an increase of price will produce a beneficial effect on foreign exchanges."

This opinion, independent of the weight it must derive from the sagacity and experience of a person so distinguished among commercial men, seems to rest on the most evident reason; for I think it easy to prove, that if our currency had in fact become of less value, this circumstance could not possibly have occasioned a fall of the exchange. If, indeed, in consequence of a rise of prices, a diminished exportation should take place, the exchange might eventually, and after a time, be lowered; but till a diminution happened (the contrary of which the Committee assert,) it is clear that the effect of a rise of prices must be to raise, not to depress, the exchange: because any given quantity of goods exported would represent a greater amount in value, and therefore have a great tendency to turn the balance of payments in our favour.

It may indeed be said that the foreign consumer will not consent to give more for British goods on account of any enhancement of their value at home, and that the British exporter will be obliged to supply him at the former prices; but if this be the case, it is obvious that any change of prices, or, to express it otherwise, any alteration of the value of currency at home, can have no effect upon the foreign market, nor consequently alter the balance of payments, or affect the exchange. But this can only take place in cases in which the foreign consumer can raise or procure from other quarters similar articles, so little inferior to the British in quality and cheapness, as to make it more advantageous to him to substitute them, than to submit to the increased price demanded by the British merchant.

It appears then, that a diminution of the value of currency at home, may have the effect of improving the exchange, but cannot by possibility depress it; and therefore the whole of this part of the reasoning of the Committee is erroneous.

But though the Committee have chosen to assume the fact of a general and recent rise of prices, for the sake of drawing from it the inference of a depreciation of currency, they have neglected to bring any proof of the fact itself. They seem to have made no inquiry on the subject, and have stated the comparative prices of no one article except bullion. Now the price of bullion depends on causes peculiar to itself, and has no connexion with the general prices of other commodities.

It may be indeed, at first sight, supposed, that when the price of every thing else rises, that of bullion will rise too; but this is not the case, and for very simple reasons.

The price of gold bullion in the market must depend, like that of other articles, on the comparison between the supply and the demand, either for use at home, or for foreign exportation; but the demand for both is of a peculiar kind. The demand for use at home is two-fold—either for manufacture, or for coinage. The quantity of gold used in manufacture is too small to have any sensible effect upon the price: and as at present the price of gold which can be sworn off for exportation, is higher than that of gold not exportable, it is clear that whatever quantity may be wanted for manufacture, will be taken from such gold as cannot legally be exported. It is also a convenience to the goldsmith to make use of such gold as has passed through the Mint; because he is sure it is of the exact standard fineness; while, if he uses foreign gold, he must incur some expense and trouble in the refinement and assay. And though the manufacturer is prevented by law from melting coin of the current weight for his use, he is under no such restriction with respect to that which has lost its currency by being worn below the legal weight.

The demand for gold for the purpose of coinage must therefore regulate the price of bullion, so far as depends upon home consumption. This may be considered as a demand unlimited in point of amount; for the Mint is legally bound to receive and strike whatever quantity of gold may be brought to it. But it is evident, that this demand, as it must always prevent the price of bullion from falling materially below the Mint price, so it cannot, in any ordinary case, raise it above the Mint price; for no man will carry gold to the Mint to be returned to him in a less valuable state than it was before. I say, in any ordinary case, because I am aware that the Bank has sometimes been obliged to purchase gold for coinage at a considerable loss. But this has always happened
in consequence of the foreign demand fo
gold, occasioned by an unfavourable ex
change, draining away our coin by clan
destine exportation; and has, therefore
no connection with the demand at home
of which only I am now speaking, and
do not see that it can ever happen fro
any other cause.

Now, upon both these branches of th
domestic use of gold, it is evident that
rise in the price of other articles can hav
no effect. It could not vary the deman
for manufacture, and the Mint price woul
continue to regulate coinage; unless in
deed, in consequence of any supposed ex
cess of circulating money, the Mint shoul
be stopped by order of government, whic
would of course lower the price of bullio

But that which puts it out of all ques
tion, that the present rise in the price o
bullion is owing to a foreign, and not
domestic demand, is a circumstance be
fore adverted to, viz. that the price of gol
which is legally exportable, is about fiv
per cent. higher than that which is not s

Now, the demand of bullion for expor
tation must arise principally out of th
state of the exchange; and the price wi
be regulated by the rate at which bill
can be obtained. Sometimes, indeed, a
accidental scarcity of gold in some coun
try abroad may occasion it to be sen
there, although a remittance by bills ma
appear, on calculation, more favourable
and in a few instances, foreign importer
may, for particular reasons, refuse pay
ment of any other kind, as is said to hav
been lately the case with some of the im
porters of corn, and occasionally to hav
happened with contraband dealers in othe
articles.

But the regular and principal deman
of bullion for exportation, arises from it
being a more advantageous mode of re
mittance than bills, when the exchange i
unfavourable. As soon as this is the case
gold bullion, which we will suppose t
have been kept till then at the Mint pric
by the demand at home, begins to b
sought after for exportation; exportabl
gold rises higher than that which canno
be legally exported, and is first sent abroa
A clandestine or fraudulent exportation o
coin, or ingots produced from coin, soo
follows; and the price will continue t
fluctuate with the variations of exchang
(not, however, preserving an exact pro
portion), but remaining such as to afford
in general, some small advantage in remit
tance by bullion in preference to bills.

Now, neither in this case, nor in the oc- onal exceptions I have mentioned, can alteration in the value of domestic ency, shown by a variation in the es of commodities, produce any effect he price of bullion, except by affecting course of exchange: and as it has n already shown, that a general rise of ces has a tendency to improve, not to ress, the rate of exchange, it is clear it must have a corresponding tendency ower the price of bullion, and not to ance it.

t is indeed clear, that the price of bul- n, which is always convertible into ney, and which is principally used for t purpose, has a much closer connection h the value of the current coin than h that of commodities; and therefore, at a general rise of the prices of articles trade, which indicates a diminution of value of money, must tend to depress, d not to raise the value of bullion, and uld actually do so if not counteracted the regulations of the Mint.

The price of bullion, therefore, affords true test of the general scale of prices; d the Committee having given us no ner, I have endeavoured to ascertain the t by an extensive inquiry.

I have not only procured abstracts of the rrent prices of the principal articles of ade for several years past, but have ob- ined extracts from the books of Green- ich hospital, the Fouudling hospital, and me other charitable institutions, with e view of tracing the prices of the ordi- ry articles of necessary consumption.

I will not trouble the House with a dry etail of the accounts, but state what ap- ears to me to be the general result.

The general scale of prices had been rogressively but slowly advancing for any years previous to the Bank restric- on, and does not appear to have been af- ected by that event. But the scarcity in 1800 and 1801 produced a great and per- manent effect, particularly on the price of bour. Since that period, the same gra- ual augmentation has taken place, as be- ore it; and it has been so far from being emarkable in the two last years, that hough the price of provisions has been igh, from causes sufficiently notorious, hat of most articles of merchandise is con- iderably reduced. The last period of hree or four years, is indeed remarkable or great and sudden fluctuations of the rices of merchandise, corresponding with he extraordinary and violent changes which have taken place in commercial policy; but the present state of prices is so far from justifying the opinion of a currency depreciated from its excess, that it would rather lead to a contrary inference, if it were not easy to be accounted for by obvious causes.

I think, therefore, that the Bullion Committee have as little foundation in fact for asserting, that our currency has lost its value in comparison with other articles, as for stating (if they mean to state it, which I am still unable to ascertain), that the notes of the Bank of England are depreciated in comparison with our legal money. The question is indeed of much less importance; and the fact, if true, would, as I have endeavoured to show, have produced effects wholly different from, and even contrary to, those attributed to it in the Report.

So much stress, however, is laid on the state of the exchange, that I think it necessary to recall your attention to it.

To any one who peruses the evidence and accounts laid before the Committee, without a disposition to seek for occult causes, there will appear no difficulty in ascribing the unfavourable state of the exchange, to circumstances notorious and undisputed.

All the witnesses examined attribute the fall of the exchange to the balance of payments being turned against this country, by the large importations from the Baltic, and of grain from France and Holland, by the operation of the French decrees, and of the American embargo, at once rendering exports difficult, and preventing the adjustment of accounts and remittances, and by the great expenditure of government abroad, in subsidies, and military and naval services.

To go into the particulars of these accounts would lead to a tedious detail of figures; and upon the last head, one of the most important, the Committee confess their information to be imperfect. These circumstances also, were so ably discussed by my right hon. friend (Mr. Rose) last night, as to render it less necessary to examine them in detail.

The effect of the American embargo, I shall, however, touch upon, as I do not recollect that he explained that part of the subject; but it is so clearly stated in the evidence, as to require little elucidation. It there appears, that the Americans, who were uniformly debtors to Great Britain for manufactures exported to a much larger extent than the value of their produce received in return, were also creditors to the continent of Europe to a considerable amount, and that their debt to England was usually discharged in part by bills on the continent, which, of course, had the same effect on the exchange, as an export of British goods of the same value.

Our importations from the Baltic usually much exceed our exportations to the countries on its shores, and this is more especially the case in time of war, on account of the increased consumption of naval stores. The indirect mode of payment by means of the American bills, was therefore particularly valuable; and when it was stopped, an effect was produced equal to the loss of a great export of our own. The evil was also much increased by the sudden and unexpected nature of the interruption.

The same mode of remittance would also have been important, with reference to the importations of corn from France and Holland, many of which are stated to have been paid for in actual cash, from the impossibility of making any other return, and which might have been discharged by the American bills.

But even if I had not been able to assign any ordinary and well-understood causes for the present state of the exchange, and to show that they were capable of producing such effects by reference to former experience, I should not have admitted any circumstance attending the exchange at the present time to be satisfactory evidence of the state of our internal currency. For I cannot allow that principles and reasonings fairly applicable to the phenomena of exchange, in ordinary cases, have any application to a state of things so novel and extraordinary as that which now exists. The adjustment of exchange is, perhaps, the nicest and most artificial part of the commercial system. By a complicated arrangement of the various money transactions of all commercial countries, it finally determines the mode of payment most advantageous to each, and least chargeable upon the whole. It abounds therefore, even beyond all other mercantile transactions, in distant prospects and intricate combinations, and far more than any other depends upon freedom of intercourse, and activity of correspondence. It is, therefore, in a peculiar manner liable to derangement from those measures of rigorous exclusion, by which the ruler of the continent has attempted to cut off all communication between us and the countries under his control. He has destroyed the modern improvements and refinements of trade; and in a great degree thrown it back to the practices of barbarous ages and uncivilized nations. We now trade with the continent, by means of fortified stations and armed depots, as we formerly did with the savages of Africa and America. Trade may be carried on by mere barter; and may even be lucrative and extensive in that form. And where the power of despotism is exerted to prohibit intercourse, barter is almost the only form which trade can assume. But remittances by exchange do not form part of such a system of trade. They are the offspring of credit and settled correspondence.

Even under the present difficulties, exchange as well as trade has continued to exist; but, like trade, it has been hazardous, precarious and interrupted; and in consequence exposed to great losses, and productive, when successful, of unusual profit. It seems, indeed, to have been owing only to the high character of the merchants of England for good faith as well as property, that the operations of exchange have gone on at all; but amidst all the fluctuations of the continent, reliance was placed on the ultimate security of the drawer or acceptor resident here. Now it is only necessary to suppose an extraordinary profit to have been charged on bills drawn upon England to account for all those appearances which the Committee rely upon as so decisively proving the depreciation of our currency. And can it be said that the supposition of such an increase of profit on bills of exchange is inadmissible, when we consider how much the interruption of correspondence placed the British merchant at the mercy of his correspondent; and find in evidence that the prohibitory decrees have produced such difficulties of communication, as to occasion some articles of trade to sell at a profit of two or three hundred per cent?

In times of regular and settled intercourse, indeed, irregularities to a considerable extent may sometimes be observed. The exchange with the south of Europe has often been favourable to Great Britain, while it has been unfavourable with the north—favourable as to America, and unfavourable as to Europe, at the same time;

id this at periods when no supposition a derangement in our internal curncy could have existed.

It is somewhat singular that the Bullion ommittee should rest on such vague and nsatisfactory proof of the excess of our aper currency as could be derived from e state of the exchange, even if no suffient reasons of such a state could be ointed out, when they had before them e accounts in which that excess, if it xisted, must have appeared. And before proceed to a particular examination of e resolutions proposed by the learned ent. I shall make a few observations on ose accounts.

But I must first notice an argument ften urged, and which has, I believe, ade considerable impression on the pubic out of doors, if not in this House. Vhence, it is said, do those extraordinary rofits arise which the Bank appears to ave shared among its proprietors of late ears, if it has only gone on in its accusomed course of business?

Without any inquiry into the internal management of the Bank, I think a satisactory answer may be given from such ources of information as are open to every one. It is notorious, that the commaand of money is attended with much greater advantage in time of war than of peace. Since the Bank Restriction Bill, and for some time previous to it, has been a time of continued war, and in part of this period an unusual scarcity of money prevailed; several instances occurred, in which a profit might be made upon government securities of twelve or fifteen per cent. and some instances of even greater profit; it being stated by the hon. gent. near me (Mr. H. Thornton), in his evidence before the Committee of the House of Lords, as occasionally rising to 18 per cent. Now, can it be supposed that the Bank, by far the greatest dealer in government securities, did not participate in these profits, and in the other advantages which great monied proprietors at that time possessed?

But not only have the times been unusually favourable to an advantageous employment of the great trading capital of the Bank, but that trading capital has been increased, in a remarkable manner. It appears from the second Report of the Committee on Public Expenditure (1808), that the average increase of government balances in the hands of the Bank since 1797, was not less than from seven to eight millions. I would desire gentlemen to consider what any private banking company would make of a floating balance to such an extent. Within the last three years an arrangement has, indeed, been made with the Bank, by my right hon. friend the Chancellor of the Exchequer, by which the public have obtained a fair participation in the profits to be derived from that source: but before that arrangement was made, they belonged entirely to the Bank. And though I believe the directors to have been moderate and cautious in all their transactions, they would have been wanting in their duty to their proprietors if they had not made a fair commercial use of their advantageous situation; and let it be recollected, that however large the profits of the Bank may have been, they were a direct and positive accession of national wealth derived from sources injurious to no one, but, on the contrary, eminently useful both to the government and every individual concerned.

The question is not, whether the Bank has made large profits, which it had a fair right to do, and which have been advantageous to the public interests as well as its own, but, whether it has increased the issue of its notes beyond what the public convenience required, with a view to profit, and knowing that it could not be called upon to pay them in specie.

It is certainly true, that since the restriction has been imposed on the Bank, the amount of its notes has been greatly increased; but I beg leave to ask, whether our metallic currency has not diminished in an equal or greater degree? The increase of Bank-notes has been gradual and moderate, and can, in every instance, be accounted for by an adequate and obvious cause.

From the time of the restriction to the year 1800, the increase was small. In 1800 and 1801, the amount of notes was considerably increased, because great quantities of specie were sent out of the kingdom for the purchase of corn; and from that period their amount has been kept up, because the exchange has never become sufficiently favourable to bring back any large proportion of the treasure sent abroad. But from 1802 to 1809, the increase did not exceed 3 or 400,000*l.*; and I would ask, whether this shewed any disposition on the part of the Bank Directors, to avail themselves, improperly, of the act of 1804, by which the restrictions had been continued during the war?

Since 1809, a further depression of the exchange has taken place, and a greater quantity of coin has gone out of the country, and the consequence has undoubtedly been a considerable addition to the amount of Bank-notes. But will any individual venture to affirm, from his own observation, that this addition has been greater than the public necessity required? An increase took place last summer, when the failure of several country banks occasioned a demand for Bank-notes for the country circulation. That demand has since lessened, and a corresponding diminution has taken place. But, if the natural and obvious effect of an excessive issue of paper be (as it is contended, and which I by no means deny), to increase the price of every article, I must ask how it happens, that the price of the government floating securities, and of the public funds, has not been increased by the increased issue of Bank paper last summer? In fact, instead of increasing, they have diminished in price, which seems to me to afford a decisive answer to the allegation of excess; and that there is rather a scarcity than a superabundance of the circulating medium seems further proved by the beneficial effects produced by the recent issue of the commercial Exchequer-bills.

I now, Sir, come to the particular review of the Resolutions proposed by my learned friend, and it is unnecessary for me to trouble you by discussing them at any considerable length, having already examined the leading principles upon which they depend.

To the first I object, that it is erroneous in fact and law; and I have already stated my reasons for denying that any precise standard of the weight of our current coin exists, or ever has existed, in this country.

If I am right in this opinion, it is clear that not only the first resolution must be rejected, but that the six immediately following, must fall with it, as they depend upon the same assumption of a fixed standard of the current weight of coin, and are wholly nugatory and unmeaning without it.

The eighth is true in point of fact, and is indeed substantially the same with my second proposition; but being introductory to succeeding resolutions, which I think equally unfounded in fact, and dangerous in their consequences, I cannot assent to it in the place and manner now proposed.

The ninth resolution is also true in fact, and perfectly innocent; but it is of so nugatory and (if I may be pardoned for the expression) so childish a nature, that I cannot think it would become the gravity of parliament to place it on the Journals.

The tenth Resolution I most decidedly object to. It proposes to parliament, to declare that which is not, and never has been, true; and the declaration of which must have the most alarming effects. It either means that Bank-notes have lost their relative value compared with the current coin which they represent—a proposition which I have already shown to be unfounded; or it means that the value of Bank-notes should be measured by the price of bullion; and this is equally untrue. Bank-notes never have been the representatives of any thing but the legal money of the realm, and this they continue to be for every legal and honest purpose, as effectually as ever.

To the eleventh resolution, so far as it respects the Bank of England, I equally object, for reasons which I have already assigned; but upon that part of it, which respects the country banks, I must say a few words.

I admit that great inconveniencies have been occasioned by the mismanagement of country banks, and the excess to which some of them have attempted to extend their circulation of paper. Much individual distress has arisen from the facilities which have been given to rash speculations, and particularly from the temptation which the partners in such banks have had, by depending for support upon the credit of the bank, to engage in commercial adventures far beyond either their skill or capital. Much evil has been the consequence, but it is not an evil of the nature described in the resolution. It is not a depreciation of the notes of the Bank of England, nor a general excess of paper circulation. But it is the attempting to supply the place of a perfectly secure and sound paper circulation by one which cannot maintain its credit. The consequences have been frequent bankruptcies, and sometimes extensive distress.

I am far from saying, that the system of country banks does not require regulation, or that evils such as these do not call for the interference of parliament. But it is a point of considerable difficulty, and one upon which parliament should interfere with caution.

The most plausible regulation which ccurs to me would be, to prohibit bankers, ho issue notes, from engaging in any her commercial concerns; but this reulation has been tried in Ireland, and ound so liable to evasion, that it produced o materially beneficial effect. I cannot, herefore, recommend its adoption, and I m not prepared with any other which I ould recommend as both safe and effecual. I wish only to call the attention of arliament to the subject generally, as one owever in which there is much more to e apprehended from precipitation than elay.

In order to support their general theory f the excess of paper currency, the Bulion Committee choose to assume, that the notes of the country banks bear a fixed proportion to those of the Bank of England, and are increased at the same time: ' the foundation (say they) being enarged, the superstructure admits of a proportionate extension." I should have hought that there were members of the Committee, who would have been convinced from their own experience in business, that this assumption is so far from the truth, that the very contrary is often the fact, and that an increase of the one of these two species of currency is frequently the consequence of a diminution of the other. This was exemplified in the course of last summer, when the failure of several country banks, and a general diminution of country bank paper, occasioned thereby, produced an increased issue of Bank of England notes to the extent of nearly three millions.

On this point, the Committee had not only the experience of their own members to resort to, but had direct evidence before them.

They examined Mr. Stuckey, a respectable gentleman, with whom (not in his capacity of a country banker, but in an official situation which he holds) I am well acquainted; and then, with their usual felicity in contradicting their evidence, report an opinion directly the reverse of his statement.

He is asked, "Is it not your interest as a banker, to check the circulation of Bank of England notes? and with that view do you not remit to London such Bank of England notes as you may receive, beyond the amount which you may think it prupent to keep as a deposit in your coffers?"

He answers, "Unquestionably."

"What is the principle by which you regulate the issue of your notes?"—"We always keep assets enough in London, consisting of stock, Exchequer-bills, and other convertible property sufficient to pay the whole of our notes in circulation."

"Supposing that the amount of the notes of the Bank of England were to be materially diminished, is it your opinion that the notes of country banks would take their place?—As a matter of opinion, I should imagine, that in those parts of England where Bank of England notes circulate, if they were to be withdrawn, their places would be immediately filled up by the notes of country banks; and I would illustrate this opinion, by the example of the county of Lancaster, where the notes of the Bank of England are the chief circulation for small payments."

"Is it your opinion that a country bank regulates its issues in proportion to its deposits of Bank of England notes or specie?"—"We regulate ours by the assets we have in London (as I have before stated) to pay them, without much reference to the quantity of Bank of England notes or specie which we have, although we always keep a quantity of both of the latter in our coffers to pay occasional demands made in the country."

Such is the evidence of Mr. Stuckey. But what is the conclusion drawn by the Committee? No other than this—"That so long as the cash payments of the Bank are suspended, the whole paper of the country bankers is a superstructure raised upon the foundation of the paper of the Bank of England."

I proceed to the twelfth Resolution, and admit, as every one must, the general truth of the fact which it affirms, though I must observe, that the words, "a considerable period of time," are too vague, and ought to be made more definite, if it could be proper to admit the Resolution. But forming a part of a series of propositions, such as we have before us, it is impossible for me to agree to it, and standing alone, it would be nugatory and unmeaning, and therefore unfit to be placed upon the Journals.

The thirteenth Resolution is really a most extraordinary composition. Pressed by the force of undeniable facts, the learned gent. cannot avoid admitting, that "the adverse circumstances of our trade, together with the large amount of our military expenditure abroad, may have contributed to render our exchanges with the continent of Europe unfavourable." This concession to fact and common sense is indeed made with great caution and evident reluctance; but it amounts very nearly to giving up the question. My thirteenth and fifteenth Propositions are little more than an expansion of this part of the Learned Chairman's Resolution.

Admitting, as he does, the effect upon the exchange, of the circumstances alluded to, by what scale can he measure the precise degree of their operation, or avoid agreeing with me, that they may have produced the whole of the depression we observe? No, says the remaining part of the Resolution; "the extraordinary degree, in which the exchanges have been depressed for so long a period, has been in a great measure occasioned by the depreciation which has taken place in the relative value of the currency of this country, as compared with the money of foreign countries."

Here then is a completely new sense given to the word depreciation. I have already troubled you, Sir (I fear too long), on two kinds of depreciation; a depreciation, compared with legal coin, and a depreciation compared with commodities: these two kinds both take place at home; but now we have one which happens abroad—a depreciation compared with the money of foreign countries. This is never hinted at in the Report, which dwells largely upon one or the other, or both of the two senses which I have mentioned. The Bullion Committee are resolved to have depreciation; give them but depreciation, no matter what it means. But what is the real meaning of a depreciation compared with the money of foreign countries; and has it (I ask with all submission) any meaning at all? No man ever supposed English Bank-notes were exchangeable for foreign money abroad, or before this Resolution thought of saying they were depreciated because not so exchangeable. The same thing is equally true of English guineas.

It may indeed be said, that when the exchange with Hamburgh, for instance, is at thirty-six, the money of Hamburgh loses when compared with the money of England; and that when the exchange is at thirty, the money of England loses when compared with the money of Hamburgh; and this loss is, I suppose, what the Resolution calls depreciation. If this is the meaning of the phrase, and I can extract no other from it, it amounts to nothing more than a different expression for an unfavourable exchange; and for such a definition of exchange I need only refer to the hon. gent. near me (Mr. H. Thornton): "What" said that hon. gent. "do we mean by the rate of the exchanges? We mean the rate at which the circulating medium of this kingdom passes in exchange for the circulating medium of other countries." The true sense of this bugbear Resolution is then only this, that part of the fall of the exchange is owing to causes, about which we art perfectly agreed, and to which indeed, I, in common with the witnesses, attribute the whole of it; but that in great part it is produced by nothing but the fall of the exchange itself: a mode of reasoning, which I am sure the learned chairman of the Bullion Committee is too good a logician, deliberately to defend, though he may have been inadvertently led into it by the indistinctness of his own expressions.

With regard to the fourteenth Resolution, I should think the ambiguity of it, a sufficient reason for its rejection. It imposes a solemn duty on the Directors of the Bank; but instead of letting them know what that duty is, it leaves them to guess at it as they can. It directs them "to advert to the state of the foreign exchanges, as well as to the price of bullion, with a view to regulate the amount of their issues;" but it does not tell them, whether in any given case (suppose when the exchange falls), they are to diminish or to increase their issues. Now a precise direction was the more necessary, because the governor and deputy governor of the Bank tell you in their evidence, that in their opinion, the issues of the Bank have no effect upon the exchange. And, indeed, I can trace no connexion between them in examining the accounts upon the table. We have seen the course of exchange both rise and fall, when there was an increased issue of bank-notes; we have seen the same circumstances take place when the issue was diminished; therefore, if the exchange is affected, which may be doubtful, by the issue of bank-notes, it is certainly not governed by it. I should, however, equally object to the Resolution, if it were made, as it ought to be, distinct and imperative; because, by taking from the Bank Directors that discretion which they are best able to exercise, we should run the risk of doing great mischief in the pursuit of an object, which experience has shewn to be unattainable. There are, undoubtedly, reasons, connected with the concerns of the Bank, why the directors should attend to the course of exchange, but they are not such as uniformly to lead either to an increase or diminution of issues. As long as the management of the affairs of the Bank is left in their hands uncontrouled, they will apply their judgment to the circumstances of each case, as it may arise, and act under a sense of responsibility to parliament and to the public, as well as to their own corporation. But this resolution would take that responsibility from them, and where would it place it? To whom are the Directors to apply for instructions in a case of doubt? To parliament? Parliament may not be sitting.—To the Treasury? I believe no man who wishes well to public credit, would desire to place the Bank under the control of the Treasury. And who will say that either Parliament or the Treasury can be so well acquainted with the complicated details which enter into the consideration of a question of this kind, as the directors themselves? Perhaps the learned chairman may say, that no such reference can be necessary; that his rule is meant to be invariable, and that in all cases whatever, when the exchange falls, the issues of the Bank should be contracted. To prove his mistake, it is only necessary to read a sentence of his own Bullion Report: "Your Committee are clearly of opinion, that although it ought to be the general policy of the Bank Directors to diminish their paper, in the event of a long continuance of a high price of bullion, and a very unfavourable exchange, yet it is essential to the commercial interests of this country, and to the general fulfilment of those mercantile engagements which a free issue of paper may have occasioned, that the accustomed degree of accommodation to the merchants should not be suddenly and materially reduced; and that if any general and serious difficulty or apprehension on this subject should arise, it may, in the judgment of your Committee, be counteracted without danger, and with advantage to the public, by a liberality in the issue of Bank of England paper proportioned to the urgency of the particular occasion."

I also object to this Resolution as implying a censure on the directors of the Bank, which, in my opinion, their conduct has not deserved, but which, if supposed to be merited, ought to have been so distinctly expressed as to be capable of a direct answer.

On the fifteenth Resolution I shall only say, that I am ready, in the fullest manner, to admit the great importance of the legal convertibility of our circulating paper into coin, not because I think it the only security against an excess of paper, but because it is the only adequate remedy for public alarm. It is impossible to foresee to what extent public alarm may go, or what its consequences may be, in a country in which the circulating medium possesses no intrinsic value. For this reason I admit the convertibility of paper into coin to be of the greatest importance, although, while no alarm exists, and credit is entire, it seems to me indifferent of which our circulation may consist, as either will equally answer all the purposes of currency.

But though I agree thus far with my learned friend, I disapprove of his Resolution, as directly leading to that last resolution which he has at present (so strangely I think) withdrawn from our consideration. Without that Resolution, it is utterly useless—with it, it would be dangerous and injurious. It is easy to see the evils of our situation, but at present we unfortunately have not the means of applying a remedy. I am sure the plan of the Bullion Committee proposed in these two last Resolutions, would not operate beneficially.

Let us consider the effect of an immediate resumption of cash payments. It would introduce the use of gold in our internal transactions, a circumstance desirable, no doubt; but is the attainment of that object worth the risk which must be encountered? No improvement of the exchange could take place unless our coin were exported, a measure which even the Bullion Committee have not ventured to recommend, however clearly arising out of their principles. But supposing those principles carried to their utmost extent, and the free exportation of our gold coin permitted, who can doubt that the drain of it would be so great as to force us to have recourse, from direct necessity, to a fresh restriction, under circumstances still more unfavourable and alarming than the present? The whole effect of the attempt would be to destroy our credit, and increase our danger.

The Committee themselves have not however, ventured to recommend an immediate resumption of cash payments.

They propose it after the expiration of two years; and I am particularly desirous to turn the attention of the House to the interval between the determination that the Bank should resume its cash payments, and the actual commencement of those payments. This would be a most important period, and pregnant with the utmost danger. The Bank would be under the necessity of collecting a large quantity of bullion, in order to answer the demands which would of course be made upon it, and that necessity would make the rate of exchange still more unfavourable to us, because the price of bullion would augment every where in proportion to the supposed wants of so great a purchaser; and the effect upon the exchange would, from the peculiar nature of the article, be still greater than would be occasioned by the purchase of other commodities.

The bullion so collected would remain locked up in the Bank without being of the smallest use, during the interval, to any person whatever. It is indeed contended, in the Bullion Report, that the knowledge of the approaching resumption of cash payments would of itself increase the public confidence; but this I deny, because its tendency to produce that effect would be much more than counterbalanced by the other consequences which must result from it, one of which is, that the Bank would be forced, from motives of self-preservation, to circumscribe its issues of paper, in order to lessen the demands which might be made upon it when the period of cash payments arrived, and at the same time to collect, by every possible method, all the gold which could be met with.

Now I wish the House to consider the situation in which the government, the merchant, and indeed every class of men, would be placed, if the issues of Bank-notes were greatly diminished, while gold was even scarcer than at present. It would be a situation which cannot be contemplated without the most serious alarm. What other currency can be substituted when both coin and Bank-notes shall have disappeared? It is possible and indeed probable, that the extremity of the evil might produce a remedy, by forcing the notes of country banks into general circulation, as has been pointed out in the evidence of Mr. Stuckey, which I have quoted. In which case the remedy proposed by the Committee for an excess of paper would end in the mere substitution of a paper less secure, and of inferior value.

But what would be the other alternative? I beg to state it in the words of an hon. friend of mine, a leading member of the Bullion Committee (Mr. Henry Thornton,) on his examination before the Secret Committee of the House of Lords in 1797.

He was asked, "If any considerable proportion of the Bank advances to government had been repaid in the course of the last two years (suppose to the extent of four or five millions), are you of opinion that a reduction in the quantity of Bank-notes to that extent could have been made without occasioning great public distress?"—"I am clearly of opinion, that a reduction of Bank-notes to the extent of 5,000,000*l.* less than their hitherto existing amount, would either produce the substitution of some other paper, nearly to the same, or perhaps to a still greater amount; or, assuming no such substitution to take place, that it would produce very general, if not universal failures, in the metropolis."

For this opinion he then gives his reasons, which appear to me perfectly clear and satisfactory. Now I would ask the hon. gentleman—I would ask the House whether if, in 1797, while our metallic currency was still abundant, the diminution of Bank-notes to the amount of five millions, would have produced a general bankruptcy in London, what the effect of a proportionate diminution would be now? I would ask them further, whether they are so confident of the success of the plan of the Bullion Committee, so impressed with its benefits, as to think the attempt worth the risk of a general bankruptcy? Of bankruptcies we have had enough, enough to make the heart ache, and great indeed must be my opinion of the advantages of any measure, deep my conviction of its necessity, before I can consent to run any hazard of extending them further.

Having taken this brief review of the Resolutions proposed by my learned friend, I shall shortly touch on those propositions which it is my intention to offer to the consideration of the House, in the event of the rejection of them.

The general object of my Propositions is, to show, by a deduction of historical facts, that there is nothing in our present situation with respect to foreign exchanges, and the price of bullion, new in its nature; though in degree, from the concurrence of a variety of extraordinary circumstances, it may exceed what has formerly taken place. It is not, as I have already said, my wish to pledge the House to a recognition of abstract principles, but to record facts, and from them to draw this only inference, that it would be unwise to endeavour, by an alteration in our internal currency, which is in itself impracticable or highly dangerous, to remedy inconveniences which we have no sufficient reason to believe the state of our internal currency has produced.

In the place of the first seven Resolutions of the learned gentleman, I mean to propose a general Resolution, stating the right of the sovereign to regulate the legal current coin of the kingdom. In opposition to his doctrine of a fixed and invariable standard of current coin, I am prepared to prove the prerogative of the crown to regulate the standard, by a reference to the soundest legal authorities, and the repeated and acknowledged prac- ce of ages. I must, however, guard against a misrepresentation, in which I nd the Chancellor of the Exchequer is involved, as well as myself; as if I had intended to recommend, and (which would be much more important) as if he had insinuated an intention of proposing, an alteration in the standard of our money. With respect to the right honourable gentleman, I believe I may venture to affirm, that the idea is utterly unfounded; and with regard to myself, I can assure the House that I should be a most determined adversary to any such proposition.

During the existence of a public debt, the alteration of the standard of money would be an act of bankruptcy, and a direct fraud on the public creditor as well as every private creditor; and if me admitted of going into the discus- on, I could prove it to be an act of useless and unprofitable injustice, productive of no advantages whatever to the ate.

My second Proposition is intended to correct an error of my learned friend, respecting the nature of the promissory notes issued by the Bank. He has attempted, without the slightest foundation, to establish an opinion, that the value of bank-notes was to be measured by the price of standard bullion. I propose, in answer to this opinion, to declare, that they are representatives of legal coin, and of nothing else—not more of bullion than of any other commodity. But it is also due, in justice to the Bank, to declare, what is perfectly true, that it was for a century always ready strictly to execute its engagements, and has been prevented from continuing to do so, not by any act of its own, but by the interposition of the legislature. For it must be recollected, that the restriction of cash payments was a measure of public policy, not a favour to the Bank. It was originally imposed, and has been since continued, for reasons connected with the safety of the state, and not upon any application of that corporation. And there is nothing in this or any other resolution which I shall propose, which can have the effect of preventing parliament from removing the restriction, whenever it may be compatible with the public safety to do so.

I now come to the third Proposition, on which my learned friend has already thought fit to touch, and on which, as it involves the principal point of difference between the Committee and me, I cannot but expect much discussion whenever it may come formally before the House.

My first object in it is, to come to a clear and distinct understanding of the question with those gentlemen who maintain the depreciation of Bank notes. In the controversy which has taken place, the depreciation of Bank notes has been talked of in such a variety of senses, that though I am sure the phrase is extremely mischievous, and has done great injury to public credit, because I am certain that it is commonly understood, both at home and abroad, in one sense only, and that the most alarming of any, I do not know but that I may think the real meaning affixed to it by many of those who assert its existence perfectly innocent, and even by possibility, may agree with them.

I have, therefore, so framed the Resolution, that every gentleman may, and ought to vote for it, who does not believe that Bank notes have lost their value in ordinary and legal transactions as compared with the current coin of the realm which they represent. Those who contend for the depreciation of Bank notes in any of the other fanciful senses which I have before had occasion to discuss, ought all to vote with me upon this question. And in that number I cannot but hope to find the members of the Bullion Committee, who have by no means expressed a clear opinion in their Report that Bank notes have lost their relative value with reference to coin. But particularly I look for the support of the honourable gentleman who some time ago declined answering my question (Mr. Huskisson), as he has distinctly told the public, that "the experience of our own as well as of all other countries, has placed beyond the reach of controversy, the proposition, that if one part of the currency of a country" (provided such currency be made either directly or virtually a legal tender, according to its denomination, which he contends Bank notes are) "be depreciated, the whole of that currency, whether paper or coin, must be equally depreciated." Now, if guineas be as much depreciated as Bank notes, Bank notes are of as much value as guineas; and that is certainly all which the Proposition affirms. I am so far from making this appeal with any insidious view, that I seriously declare, that I think the concurrence of those gentlemen in this Resolution would be a remedy for that mischief, of which, so contrary to their wishes and intentions, their Report has been the cause.

I have, however, another object in this Proposition. On a question so long and so warmly contested, I think parliament ought not to stop at the mere rejection of a measure proposed to it, but to pronounce a distinct opinion, and that an opinion so pronounced will do much towards setting the question itself at rest. I wish the House to pledge itself to the belief that Bank notes still are, as they have always been, equivalent to legal coin for the internal purposes of the country, the only purposes to which they ever have been applicable.

An opinion so declared will have an effect similar to that of an association to support the credit of the Bank. Many members will recollect the effect produced by the association of the merchants and bankers in 1797. It instantaneously dispelled all doubt and alarm, and restored credit and confidence. I believe the merchants and bankers are now quite as ready to renew such an association. Perhaps, indeed, it is not necessary; for their opinions are sufficiently known. It is not on the Royal Exchange that the depreciation of Bank notes is talked of. But this Resolution, uniting the sense of parliament in the same cause, will give weight and strength to their declared opinion.

I have introduced into the Resolution, since it was first drawn up (as has been observed), the words, "in public estimation," with a view of obviating any supposition that I meant to affirm that Bank notes had a legal equivalency to coin. I never had any idea of doing so: and it would be peculiarly improper to propose to the House any declaration on this subject at present, when the judges actually have under their consideration a criminal case, in which their decision may turn on this very point.

The following Propositions, down to the fourteenth, contain a comparison of the circumstances at present affecting our relations with foreign countries with those which have existed in former times, and show by historical deduction, that we have no reason to attribute the present depression of the exchange to the state of our paper circulation, because similar depressions have formerly taken place when no paper circulation existed, or no other than what was convertible at pleasure into coin; and that the degree and duration of the present depression may be accounted for by the extraordinary circumstances of our military, political, and commercial situation; and this conclusion is distinctly drawn in the fifteenth Proposition.

The facts contained in these Propositions I believe to be unquestionably true, and I am prepared to prove them whenever it may be proper to do so, by reference to the documents on the table of the House, and other authentic information.

At present I shall only observe, that the analogy of former instances would lead us to ascribe the depression of the exchange principally to the combination of a great military expenditure abroad, with a high price and large importation of grain. When either of these circumstances has occurred, the exchange has usually become unfavourable; when they have been united, it has never failed to do so. These are circumstances wholly unconnected with our internal currency; and circumstances probably unavoidable, and not imputable to any blamable conduct whatever.

In our military expenses, we are paying the price, a heavy and inconvenient price I admit, of a glorious struggle not only for our own independence, but for the liberty and independence of the human race at large, now threatened with universal subjugation. On the principle of supporting such a struggle with our utmost efforts, I have heard no dissentient voice, and, as to all details respecting the means of doing it, it is not now the time to enter upon them.

Still less can any doubt be entertained with respect to the propriety of the importations of grain which have taken place in a season of dearth, in which the price has approached to that of the greatest scarcity. The right hon. vice-president of the Board of Trade has explained the reasons which induced the privy council to give encouragement to these importations, and they were reasons of cogent and imperious necessity.

The Council were not unaware, that, by so doing, they were likely to aggravate the evils of an unfavourable exchange; but the subsistence of the people was, as it ought to be, an object superior to all considerations of commercial convenience.

Great, however, as the effects, upon the exchange, of our military expences combined with the importation of grain must have been, they could neither have been so great nor so lasting, had the freedom of commercial intercourse existed as in former times. In this the real novelty of our situation consists. For though I do not carry the doctrine of commercial equivalents so far as the hon. gent. opposite (Mr. Huskisson), I admit that there is a continual tendency in an unfavourable exchange to correct itself by checking importation and encouraging exportation, and that, though for a time it may be overpowered by political emergencies, or by pressing calls for articles of unavoidable necessity; yet, if freedom of trade exists, it will usually prevent any excessive inequality, and in no long time restore the balance.

The fourteenth Proposition is intended to show, that on account of the extension of trade, and the great increase of our public revenue and expenditure since 1797, a more abundant currency is necessary to carry on the business of the country, and that we should have no reason to conclude that our currency was excessive if it should appear considerably to exceed in amount what then existed. This, however, I believe to be so far from the fact, that the diminution of coin is, perhaps, fully equal to the increase of paper circulation.

I am now arrived at the last and most important Propositions, those which respect the removal of the Bank restriction. On the fifteenth Proposition, which declares "that it is highly important, that the restrictions should be removed whenever the political and commercial relations of the country shall render it compatible with the public interest," I need say nothing, as the gentlemen against whom I have been arguing, entirely concur in the same opinion, and I believe that a difference on this point scarcely any where exists.

Nor shall I think it necessary to dwell long upon the last Proposition, so much of the reasoning which I have applied to other points, having a direct reference to this. If I have succeeded in showing the fallacy of those arguments by which it is attempted to prove the excess and depreciation of our currency, I need say no more to establish the inexpediency of taking a step which all admit to be attended with danger, as a remedy to an imaginary evil. I have also, as I think, shown that the removal of the Bank restriction would not have the effect of restoring a favourable course of exchange.

But my great objection to the removal of the restriction at the end of the proposed period of two years, is, that unless a change of circumstances, contrary to all probability, should take place in the mean time, the resumption of cash payments at the period proposed, would be wholly impracticable. The very Report of the Bullion Committee states the impracticability of an immediate, or very early, resumption of cash payments. "Your Committee," it says, "are of opinion that if peace were to be immediately ratified, in the present state of our circulation it would be most hazardous to compel the Bank to pay cash in six months, and would be found wholly impracticable." They are, therefore, it further says, "of opinion that even if peace should intervene, two years should be given to the Bank for resuming its payments; but that, even if the war should be prolonged, cash payments should be resumed by the end of that period."

Do the Committee then mean to contend that there is no difference between war, such a war as the present, and peace? Do they think that peace would give no additional security and facility to the Bank, in preparing for the resumption of cash payments? Are they of opinion that it would afford no advantages to the government in so arranging in its pecuniary concerns, as to be independent of assistance from the Bank—that it would give no stability to commercial credit in general? Will they affirm that their Chairman is entirely mistaken in admitting in his fifteenth Resolution, that the adverse circumstances of our trade, together with the large amount of our military expenditure abroad, may have contributed to render our exchanges unfavourable ?" or to what miraculous aid do they look for removing these unfavourable circumstances, and making it indifferent whether we have war or peace ?

It would really appear that they thought it indifferent, from the mode in which regret is expressed in the Report, "that the suspension of cash payments has been continued so long; and particularly that by the manner in which the present continuing act is framed, the character should have been given to it of a permanent war measure."

That the suspension has, from necessity, been continued so long, we must all regret. Once, and once only, there appeared a prospect of a change of circumstances which might admit of its removal, and the directors of the Bank, it ought to be remembered, immediately took measures which proved the sincerity of their desire that it might be removed. In the year 1798, and the early part of 1799, the course of exchange was remarkably favourable, and the Bank, in consequence, as a prelude to a general resumption of cash payments, obtained permission, pursuant to a clause in the restriction act, to pay sums under five pounds in cash. Under this permission, large sums, much larger than the public are generally aware of, have actually been paid. The renewal of war on the continent, and still more the failing harvests of 1799 and 1800, destroyed our hopes, and I will venture to say there has never been a moment since, in which the restriction could safely have been removed.

With respect to the present continuing act, I am not ashamed, however it may expose me to the censure of the Bullion Committee, to declare my adherence to the opinions of the Parliament of 1804, and the administration by whom that act was proposed. Of that administration, after such a lapse of time, and so great a change of circumstances, I mean to speak historically only when I say that on the most careful review of their measures, political, military, and financial, I see no reason to think them inferior either in judgment, foresight, or vigour, to any, either of their predecessors or successors.

With respect to this particular measure, I think it an instance of their judgment and foresight. It was certainly meant as a permanent war measure—not as an ordinary war measure, but one which the peculiar circumstances of the present war would render necessary during its continuance; subject undoubtedly to the revision of parliament, if, contrary to appearances then existing, the character of the war should so change as to admit of its being dispensed with.

Have then the circumstances of the war so changed since that time, as to show that this opinion was ill-founded ? Have they not, on the contrary, from year to year assumed a character still more decidedly confirming it ?

It is unnecessary to enter into a detail of particulars where the general result is so clear as to force conviction on the mind ; but if there has never since been a moment at which the restriction could safely have been removed—if, on the contrary, circumstances have arisen, which would have imperiously required its imposition, had it not been already in force—if the appearance of our present circumstances be such, as more than ever to enforce its necessity, and to place the possibility of its removal in doubt and distance, shall we impeach the judgment and foresight of those who, foreseeing the general state of things, though not the particular events, provided in time for the emergency ?

They knew that the conclusion of peace must make an important difference in our situation. Whether in that event the Bank restriction can safely be removed, after so short a period as six months, it is impossible, as yet, to judge, because we cannot foresee the circumstances under which peace may be concluded. But parliament has wisely fixed the shortest term in any degree probable, because it will be much easier to extend it, if necessary, than to contract it.

Let us, however, consider the additional means of mercantile accommodation which peace will afford. A debt from government to the Bank of no less than seven millions and a half will become payable: the liquidation of the other parts of the unfunded debt, and the general rise of the public funds, will give great facility to individual credit—above all, a sinking fund of twelve millions will then be poured into the money-market without being counteracted by new loans.

Such means of supplying additional capital no country ever possessed. Some inconveniences may perhaps, in process of time, even arise from their abundance; but of these it is not now necessary to speak. My object is only to justify the parliament of 1804, in fixing the resumption of cash payments at the period of peace.

That parliament also felt, what I think the Bullion Committee are a little apt to forget, that the Bank restriction is not a thing to be trifled with, nor without public inconvenience to be brought into frequent discussion.

I think the Committee must forget this, because, after all, they propose their measure as an experiment. They speak of the "possible occurrence of political circumstances, which may be thought hereafter to furnish an argument in favour of some prolongation of the proposed period of resuming cash payments, or even in favour of a new law for their temporary restriction after the Bank shall have opened." For this experiment, which they are conscious may fail—which I think rash, and desperate, and wholly impracticable, what do they risk? They risk, as we are told by one of their most distinguished members (Mr. Henry Thornton), a general bankruptcy in London. Such is the danger to individuals. And what will be the consequences to the government? We have heard the Chancellor of the Exchequer complain of the inconvenience occasioned by the delay of this question. Whether he is provided with a system of measures to be proposed o parliament in the event of its acceding o the recommendation of the Bullion Report, I do not know: but I know, that, if ne is, they must be measures wholly new and discordant from the financial systems of many years past.

To carry on the operations of the war or the next two years, not only without the accommodations afforded by the Bank, not only under the inconvenience of a forced repayment of the bank-advances, but under the pressure of a circulation so contracted and cramped, as it necessarily must be, is a task which no minister has yet been compelled to attempt, and which, if it can be any vay effected, can be accomplished only by a pressure upon the people far greater than they have yet experienced. I uspect that it could not be effected at ll, and that if we were not compelled to ue for peace, we should at last be obliged o recall our forces from abroad, and bandon the continental war, just at the moment when the concurrent opinion appears to be, that fairer prospects than we have yet known are opening.

This is no vague and declamatory statement, but founded upon experience, as well as reasoning. The full experience of such a situation as ours would be under the system of the Bullion Committee, we have never indeed had; but we have, in two periods referred to by them for other purposes in their Report, felt the effects of a restricted circulation. In 1783 the issues of the Bank of England were considerably reduced; and though peace had then been concluded, the 3 per cent. funds were at 56, navy bills were at from 15 to 20 per cent. discount, and the general depression of property so great, that the resources of the country were by many supposed to be irrecoverably ruined. In 1796 the Bank again reduced its issues, and the effects were similar. The public funds were even lower, falling at that time to 46. I do not contend that the diminution of the issues of the Bank alone produced these effects; but if the other circumstances existing at those two periods be compared with those of our present situation, I am afraid the advantage will be by no means in our favour. In two most important points how great is the difference! In one of those cases the freedom of trade was complete—in the other, it existed to a considerable degree—in both, a plentiful metallic currency continued in circulation. I need not point out our present situation in both those respects. Nor shall I attempt to estimate what the revenue might amount to when every man, who did not wish to pay his taxes, might say, with apparent truth, that he could obtain no money of any kind to discharge them; and those who were willing to pay, might be under a real impossibility of doing so.

I cannot indeed, whatever may be the decision of parliament, pretend to penetrate the darkness of futurity—to foresee whether our arms will be successful or unfortunate—whether the continent will break its fetters, or remain in subjection, whether commerce will recover freedom and activity, or remain palsied by the frown of a despot; but I am anxious that the arm of government should be strengthened rather than crippled, and that we should not give up the chances of success, and the means of availing ourselves of any favourable events which Providence may grant us.

I think we shall best preserve them by adhering calmly and firmly to the system which I recommend—not on my own authority, but that of parliament, by which it has already been established; and by not suffering ourselves to be hurried into precipitate measures by our impatience of some inconveniencies, galling no doubt, but from which we cannot at present be freed: while the plan proposed by the Committee would, without effecting the object they have in view, do more than either the decrees or the victories of Buonaparté, to execute his designs for our destruction.

Mr. *Huskisson* declared, that he could not agree with the principles and opinions maintained with such confidence and urged with such ability in the luminous and comprehensive speech of the right hon. gent. who had just sat down; neither was it possible for him to give a silent vote upon this important subject, even though he had not been so pointedly and personally called upon, as he had been by the right hon. gent. to state his opinion upon it. The manner, in which that call had been made, appeared to him extremely irregular, and wholly inconsistent with the uniform practice of that House and the established rules and forms of discussion in the course of its proceedings. The right hon. gent. had thought proper, in the middle of his speech, to require of him a brief and summary opinion upon this most grave and intricate subject, in order that he might have in the concluding part of his speech an opportunity to comment upon it at length. No gentleman, he must contend, had a right to expect from him an answer in such a way, even if he had not felt it necessary for him to deliver his opinion upon the subject somewhat more at length. He was aware, in offering himself to the House, that it would be necessary for him to revert to opinions which had been already much discussed, and he could not revert to them without recurring at the same time to details which he feared would appear dry and uninteresting to the Committee. It was, however, necessary for him to recur to those opinions and arguments, in answer to the speech which had been just delivered, and which, as he thought, struck at the foundation of all financial and commercial principles established in the world. The right hon. gent. had said, that the Bullion Committee had made one of the boldest experiments that was ever tried on public credit, and that they had brought the public credit of the country to the very brink of a precipice. Now, as to the part he was to bear in such a charge, he must say, that when the motion was made in that House for the appointment of a Committee to consider of the price of bullion and the rate of exchanges, he was not in the House, nor in town: but when he had been appointed a member of that Committee, it then became his duty to give his utmost attention to the consideration of the subject. When that motion was made in the House for the appointment of the Bullion Committee, there was no sort of opposition made to it; and when the Committee was appointed, it became their duty undoubtedly to investigate the subject with care, and to report to the House their conscientious opinions on the matters referred to them. As to those consequences, then, which were said to have resulted from the publication of that Report, those men were not answerable, who had only conscientiously discharged a duty that was imposed upon them, and had formed the best conclusions which they were enabled to do from the evidence before them. He thought it was hardly fair to say, that their discharge of the duty which the House imposed upon them, and reporting faithfully and fairly their opinion, was making a bold experiment on the public credit, or driving the country to the brink of a precipice.

But, in point of fact, the right hon. gent. was mistaken if he ascribed the agitation of this delicate, but important question to the matter or publication of the Report of the Bullion Committee. The discussion of the subject had originated out of doors long before the Bullion was appointed, and out of doors the discussion would have been continued, even if the attention of that House had never been drawn to the consideration of it. Under these circumstances he must contend, that it was highly desirable the question should be taken up by parliament, and he was perfectly convinced that there could be no subject more proper or more worthy of parliamentary discussion, than the state of the coin and currency of the realm. In former periods, reports upon such subjects had not only been prepared by the direction, but published and circulated by the authority of parliament. In the year 1696, when the coin was debased, the Lords of the Treasury called on Mr. Lowndes, their secretary, for a re-ort respecting the existing state of the irculation and currency of the country. That report was printed at the King's ress, circulated all over the country, and very body was invited to the consideraion of it. Ministers at that time thought hat it was much better completely to renedy the existing evil, than to accept of the allacious advantages which were then held orth from the modification and continunce of it. The consequence was, that hose principles were fully and effectually efuted, which were now again maintained, ut which he hoped to overthrow before e should sit down, and a complete remely provided for the serious evil of which he country at the time had to complain.

With respect then to the legal coin of he realm, he should now confidently call pon any gentleman who heard him, to eny if he could that the only legal tender n this country was gold and silver of a ertain fineness and containing a certain uantity of the precious metals to be asertained by weight. This was the standrd and unfluctuating measure of all other ommodities.—If it were admitted that the egal tender was regulated by those two rinciples, then it followed that the coin f the realm must consist of bullion of certain fineness, and only perfect as t contained a certain weight. He vould ask, if it had not always been a rand object of the legislators and nonarchs of former times, to preserve heir money undeteriorated in fineness, and ot below the standard in weight? When hey talked of prices current, it was necesary to know what was meant by the word rice. Price meant nothing but the relaion the value of commodities bore to the tandard. The weight of coin had in all ormer times, in a great degree, deternined the value of money, as well in this s in other countries. If proofs were vanting of this, he would refer the sceptic o a regulation made in the reign of Henry he 3d, determining the proportion a quarern loaf should bear to the weight of cerain coins. This furnished one, of many roofs, that the names of coins were given vith a reference to their weight in umerous instances. In ancient proclanations, many directions were to be found or regulating the current value of money, ccording to its weight, and sometimes pecifying the allowances which were to e made for the depreciation occasioned y wear and tear. Thus the pound sterng in this country, and the livre in France were originally equal to a pound in weight of silver; and our pennyweight was consequently equivalent in weight to one pennyworth of silver. He was astonished that the right hon. gent. should seem to conceive that the shilling was a coin which had no regular standard. Weights had been made and were kept at the mint, which were the standard weight of a shilling as the legal coin of the country. The right hon. gent. appeared to him, not even to be aware of the provisions made on this head in modern acts of parliament. The law of the land was so explicit upon the subject, that he could not repress his astonishment when he heard the right hon. gent. assert that the coin called "a shilling" passed current without any reference to its weight. Could it be possible that the right hon. gent. was ignorant of the existence or enactments of the Act of the 14th of his present Majesty, an Act entitled, "An Act for regulating the weights to be made use of, for determining the value of gold and silver coins," the first provision of which Act set forth what the weight should be for trying "certain pieces of gold coin called guineas and certain pieces of silver coin called shillings?" It was only with a reference to their weight, that these pieces were to be taken as money. Were they then to be told that a thing called a shilling, but which he could only call a counter—(Hear, hear!), could legally pass current, without any reference to its weight?

Another provision on this subject was made in determining the currency necessary to form a legal tender for a sum exceeding twenty-five pounds. Guineas being the grand medium in which payments were made, it was enacted they should no longer pass current, if by any circumstance they became so deteriorated as not to weigh 5 dwts. 8 grains. The depreciation of coin was an injury done to the public; and on reference being made to the time when our silver currency was debased as much as it was in the time of king William, he was surprised to hear such assertions as had been advanced. If he wished to establish still further what he had urged with respect to the weight of coin, he would call the attention of the Committee to what passed in 1774, when some regulations were made as to the currency of gold coin. The guinea was prohibited from passing as money, if it did not weigh 5 dwts. 8 grains. The privy council at that time had it in contemplation to allow it to pass current, although it weighed less, on a scale of diminished value according to its weight. Silver coin, he would further observe, was only a legal tender for sums not exceeding *25l.* In payment of any debt above that sum it could only legally be tendered for whatever it might be worth from its weight; and gold, though it might be legally tendered by tale to any amount, was yet liable to pass, not according to the tale, but according to its weight. It had been often said, that all money was merchandize, but it might be more convenient to make all merchandize money. The price of any one thing could only be determined by a reference to some other commodity which by common consent or established law was fixed as a standard. This was a position which he must fully allow and admit, that any commodity might in that way answer the purpose of money and become money. The precious metals, however, had many decided advantages in this respect over any other commodities. He would not admit that they acquired their value entirely from any convention of agreement, but he thought they came into the situation they now stood from possessing intrinsic value. They were money before they were coined. He admitted that they so far partook of the nature of other commodities, that the abundance or scarcity must increase or diminish the value. As to what was called price (if there was no paper currency), it would be merely the comparison of other commodities with gold and silver considered as commodities. When the price of either gold or silver was talked of separately, it would only mean with reference to the other precious metal. It appeared to him, that it was not possible that there could be any real excess in a currency of gold and silver, and that nothing could be more absurd than to state a precise numerical amount of money which would be proper for the circulation of any given country. If the gold and silver was less abundant, a certain quantity of it would go farther in exchange for other commodities; but if it was more abundant, it would require a greater quantity to purchase the same articles. The price of all other commodities would then rise and fall according to the abundance or scarcity of the precious metals. When paper, however, was the currency, and that paper not convertible into gold or silver, then there might, indeed, be an excessive issue. Even in that case some persons now contended, that there could be no excess of issues of Bank paper; and their argument was, that the supply did not exceed the demand. It was said, that no man would ask them for money unless he wanted it to make some use of. It was evident, indeed, that the individuals applying for the money wanted it, but it was not evident that it was for the public good that such issues should be made. Before the restriction act was passed, nobody spoke of the quantity of notes issued by the Bank. That was a secret which no person was interested in penetrating, when the paper could at pleasure be exchanged for gold and silver. Since the restriction, however, we heard for the first time of the quantity of money that was necessary to serve this country; and the directors of the Bank appeared to have got a scale by which they can gauge the country with as much precision as an exciseman can take the contents of a cask.

Upon this part of the case his opinions were decided and fixed that coin was of no value except with reference to the quantity and fineness of the gold and silver it contained, and that paper was of no other value but in reference to the coin it represented. If the currency consisted partly of coin and partly of paper, the excess of paper above what the currency would be if it was coin, must be an excess of currency, and naturally tend to depreciation. It must be obvious that the value of money is in the inverse ratio of its quantity. The value of currency consisting of gold and silver cannot be depreciated. If paper, then, has no other value but in reference to the gold and silver it contains, it follows that the real value of the paper is measured by the gold and silver in the coin which it is said to represent. He then, in confirmation of his opinion, referred to a work which must be considered as something more than an ordinary publication; he meant the letter of lord Liverpool to the King, upon the subject of coins. Independent of the great ability which was manifested in that work, as it was published in consquence of a regular inquiry on the subject, it carried with it the weight of official research, and might be considered in some degree as an official document. His lordship stated "that all commodities take their price and value in reference to the coins, or in other words, to the quantity of gold for which they could be exchanged."

ne value of paper therefore, by this rea-
ning, must have fallen from the time
hen it would purchase a larger quantity
gold than it will do at present.—When
e right hon. gent. then stated that
ese notes had a value in public estima-
on and opinion, different from their
lue as referred to the price of gold, it
as he that broached new doctrines, and
ch as were totally different from all
rmer opinions on this subject. The
ank note does not bear the same propor-
on to the gold contained in the coin that
did formerly, and therefore it is depre-
ated.—If great perplexity and confu-
on had been produced upon this subject,
was not by the Report of the Bullion
ommittee, but by the manner in which
at Report had been handled. As to the
fects of an increased taxation in de-
reciating the currency, it probably had
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as only to increase its value, and conse-
uently to diminish the prices of other
ommodities. The depreciation which
e Committee contemplated was a de-
reciation of one part of the currency
om particular causes, which deprecia-
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andard of gold or silver it represented.
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iated.—If our metallic currency were so
ebased as to cause a depreciation of 25
er cent. at the present period, then this
equality could not exist, and paper
ould be a fair equivalent for coin. In
Villiam's reign the silver coinage was de-
reciated by debasement 30 per cent.
elow its standard value, and the notes of
e Bank, which were payable in silver,
ere equally depreciated. He was at a
ss to conceive what was meant by the
urrent value of bank notes. What value
ould the creditor get from the Bank?
he law had indeed given them its
nction, and the Exchequer received
e notes at par—a circumstance which
robably served very materially to sustain
em in circulation.

Whilst upon this part of the subject, he should beg leave to call the attention of the House to the contents of a very admirable Report, made to the lords of the treasury in the year 1776. This Report very truly and correctly stated, "that the regulations of the Mint having established the gold currency of the country at a higher rate, with respect to silver, than the market price of bullion, acted as a premium for the exportation of silver coin. The market price of silver was then 14 oz. and $\frac{3}{4}$ths, for one ounce of gold, whereas the Mint regulations made it 15 oz. and $\frac{1}{5}$th, for one ounce of gold. The report then very justly stated that this difference between the market price and the Mint regulations, held out a temptation to persons to buy up silver coin with gold for the purpose of exportation, an evil which the report stated to require the interference of the legislature." The remedy was found in the restoration of the relative Mint value of silver as compared with gold to the exact proportion which it bore in the market. The consequence was that the exportation of bullion ceased, and the fall of one farthing in the value of Louis D'ors in Paris, had the effect of bringing that coin in abundance into this country. Unequal currencies, therefore, he contended, could not exist, as the perfect part would quickly vanish, and the debased currency alone remain. This was clearly proved (if proof were wanted) by what took place in the reign of king William, when the silver, not being secured from deterioration like the gold currency, was depreciated not less than 25 or 30 per cent. The new crown pieces which were issued from time to time, did not remain long in circulation. They were immediately melted and exported: a mixed currency followed, which also disappeared. When there were two currencies, the one from 25 to 30 per cent. depreciated, the other at full value, this must ever be the case. But then it was said, to alter the system would be to encourage fraud and perjury. Why, they all knew that the laws on the subject were of no avail; and he thought the existence of the law at present in force, went to encourage fraud and perjury. (Hear, hear!) The hon. gent. then cited an act of 1774, against clipping the coin of the realm, which spoke of the new coin as being constantly melted down; and added, the practice seemed likely to continue, while pieces of the same denomination were different in value, and those under weight were to pass for as much as the others. He would ask if this were not now the case? (Hear, hear.)

It was ridiculous to suppose that laws could prevent the exportation of guineas, when by exporting them there was a profit of 25 per cent. To shew this fact a little more plainly, he would call their attention to a circumstance of the advancing the value, or (as to advance the value was impossible) the making the dollar pass for 5*s.* 6*d.* instead of 5*s.* Its intrinsic value was 4*s.* 6*d.*, and the advancing its denomination was indirectly raising the denomination of the coin of the realm. If ministers had raised the 7*s.* piece to 9*s.* it would have come near the true proportion to the present value of the guinea; and how was it then to be said to be the same aliquot part of a coin, which by the law was worth only 21*s.*? It would be said, that no argument from dollars could hold; they were not the coin of the realm. They might not be a legal tender; but was there any man who would hesitate to give notes for dollars? If a foreigner were to ask what was the money of England? he would be told that a pound of silver was coined into sixty-two shillings, and a pound of gold into forty-four guineas and a half. If he were told that the silver were to the gold as 15 and a fraction to one, and that in addition to the grounds which other nations had to secure the value of their money, it need never be taken but by weiget, the foreigner would say it was secured by as perfect a system as could be devised. But if, going a little further, he was told that a foreign piece worth 4*s.* 6*d.* passed here *for* 5*s.* 6*d.* he would say, "How can this bear a proper proportion to your shillings?" There was but one answer—"Our silver coin is so degraded, that our shillings are not worth more than 9*d.* each, so they bear a good proportion to the dollar." The foreigner would reply, "But how, then, can your silver bear its proper proportion to your gold?" In answer to this he must be told, "All our gold has been sold, so we make use of a substitute, and that substitute bears a very good proportion to our ninepenny shillings."—If an English merchant had a debt to discharge at Amsterdam, of 500*l.* and purchased a bill that enabled him to discharge it in 100 ounces of gold, how was this transaction to be accomplished?—In what manner but by the purchase of guineas?—He would read the Committee a few extracts from a correspondence between a person in Paris and a person resident in this country, whose names he was not at liberty to mention. The letters to which he alluded stated that the latter had succeeded in purchasing for his correspondent the several sums of 10,829 and of 5,000 guineas, which he had shipped, and hoped they would go safe to hand, that the charges were ½ per cent. for commission, and another ½ per cent. for guaranteeing the bills, and offering afterwards to provide them to any amount which might be desired.—(Hear, hear!) The balance of trade could not possibly account for this state of things. In the reign of William, about 1696, the real value of the guinea, compared to the debased silver currency of that period, was 25*s.* or 26*s.*, but the gold was permitted to pass at its intrinsic worth; and notwithstanding the then unfavourableness of the exchanges, the gold never disappeared. Lord Liverpool observed in his publication, that if the gold coin at that period had not been suffered to pass at its sterling value, it would doubtless have been all melted down. It was certainly well worthy of consideration what might have been the condition and financial difficulties of this country, then engaged in exertions not less arduous than those of the present period, and what might have been the fate of the liberties we enjoy, had not this wise proceeding been adopted. He was indeed well apprised of the difficulty which must be felt if the gold and the Bank note were admitted to an equal competition, in any longer supporting the assertion that the paper was not depreciated (hear, hear). He was well aware what would then become of that current value and public estimation by which the advocates of the restriction endeavoured to support their argument; a current value and a public estimation which were in fact derived only from the rigorous prohibitions of penal enactments. Was this then a proper state of the currency of the country; was it one in which it was the duty of parliament to suffer it to remain? The fact was undeniable that guineas were sold in every street. The evidence of a respectable goldsmith proved that he had every day applications relative to the sale and purchase of guineas. Yet still it was maintained by the right hon. gentleman's resolutions that paper was not depreciated in public estimation. If paper was sustained at all in public estimation, it must be by a support growing out of terror, by an estimation proceeding at that moment from a consideration of a pending judgment. If this were once settled, public estimation would soon shew what it really was. In every part of the country, there were already two prices. (No, no, from different parts of the House.) Mr. Huskisson stated, that he had undoubted proof of the fact. He had in his pocket a letter, printed and addressed to Members of Parliament, by a person intimately acquainted with those matters; and that letter stated, that two prices were prevalent in the country, and that the usual premium for guineas was half a crown. But was it not undeniable, that in Ireland, there were clauses in many of the leases for payment in gold; and that guineas were bought at a premium for the rent, and must not the landlord make a difference in those leases and tenants?

He would now repeat, and seriously repeat, the question of the last speaker on a former night, was there any real standard of payment? He did not mean the question ludicrously, but was intitled to an answer, because not one hint of such a thing was given in the pamphlets which undertook to answer the Report. The authors of these pamphlets had hitherto eluded studiously or rather declined this question, nay, so careful were they of committing themselves upon this point, or so anxious not to encumber themselves with the perplexity of such a consideration, that even the word was not mentioned in their publications until it was pressed upon them too repeatedly to be overlooked; and then it was disposed of by an expedient as unsound as any other part of their favourite system. The real question was whether Bank notes or coin were to be considered as the standard? The Committee had a right to an answer upon this point; if gentlemen would have it that Bank notes were the standard, they should say so; they should describe the guinea as the twenty-one fortieth part of a two pound note; and if they did not think so, it was equally incumbent on them to avow the sentiment. For some understanding should be had upon a matter so essential to the discussion and the understanding of the question. In the variety of opinions, or if he might be permitted to retort the expression, of theories resorted to upon this head, there were some theorists who wrapped it up in a sort of mysterious obscurity, who considered the standard as something not corporeal, and talked of abstract currency in a manner peculiarly congenial to their clear and lofty conceptions; but while they talked of abstract currency in so suitable a strain, he would ask, Did any one ever hear of abstract payment or of an abstract dinner? Most of those gentlemen on the one side of the abstract standard were in the service of government, and it would be worth their while to consider how they would be satisfied with an abstract payment of their salaries. (Hear, hear! A laugh.) It was absurd to talk of payment in any other manner than by the coin of the country. But the reasoning of those gentlemen was not always so decidedly in favour of their own principles; they were obliged to admit that if the currency was compared with what was called the standard it would appear to be depreciated; and from the consequences of this admission they endeavoured to escape, by saying, that it was a virtual, and not a real depreciation. This distinction was of the same school with the abstract payment. Aware, however, of the inconvenience of proceeding without a standard, they found one, which they thought would answer their purpose; this was the interest of 33*l.* 6*s.* 8*d.* three per cent. stock. This new doctrine of the standard amounted simply to this, that whenever an increase should take place in the gold and silver of any country, with reference to other commodities, be the cause of the increase what it would, the Bank should be empowered to issue a quantity of paper, not convertible into cash, for the purpose of preserving the proportion. In order to shew what this standard was, in order to prove that at best it was nothing but an ingenious deception, he would ask one question, and that was, Whether such a definition would not adapt itself to any depreciation of the currency however extreme? If such a principle was to be avowed, the sooner it was done the better; for then every man would know in what situation he stood, and be prepared to expect, that in case a depreciation should occur, that depreciation would be remedied by an issue of another description. Admitting then this principle in its full extent, and preserving the due ratio between the price of gold and silver and the issue of paper currency, he asked if this principle would not apply to the doubling of the denomination of our currency? If the principle was to countervail the increase in the price of the gold and silver by the issue of paper, the sooner such a principle was generally known, the better. But here he could not help asking, though the price of gold was so encreased, was there such a scarcity of gold? [Hear!] Where were the proofs of this scarcity? He was aware of none; but of this he was confident, that where gold was scarce, other commodities must become cheap. Would gentlemen try it by this test? Was it the fact that other commodities had become cheap? But if they were to entrust this fearful discretion to the Bank, of countervailing the effects of the rise of the price of gold and silver, he thought that then the best criterion of the required standard would be found in taking the average price of corn for a given period jointly with the average value of labour. Here he read a statement of the average prices of wheat, imported for the fourteen years since the Bank restriction in 1797. Throughout this period, the progressive rise in the average price of the wheat at stated periods, proved the gradual depression of our domestic currency.

Here he must be permitted to notice in passing a very extraordinary statement made by a right hon. gent. (Mr. Rose) who spoke before him in the debate—a statement not more singular in its nature, than contradictory to itself and wholly subversive of the object for which it was made. In his endeavour to account for the rise of the value of all articles in this country without reference to a depreciation of the existing currency, that right hon. gent. had adverted to France, and the apparent rise of prices, which had according to his assertion taken place in that country. Upon this point the right hon. gent. had contended that the price of labour was dearer in France than in England during the last year, and thence inferred that gold was cheaper in France, than in this country. Now granting all this to the right hon. gentleman, he would ask him how he could reconcile such a statement with the fact admitted on all hands that there was a profit of twenty per cent. made by the exportation of gold to France?

It was by no means his intention to insinuate, that the power, to which, he had alluded, of enlarging or abridging the circulation of the country, could be vested in men who would use it with more prudence and wisdom than the Bank of England; but in looking at this power as a member of Parliament, he viewed it independent of any considerations respecting the persons in whom such power was to be vested; and viewing it in this light it appeared to him as a power that enabled a single corporate body to change, at will, the relative proportion which the real money of the country should bear to all other commodities whatever. He should not stop now to consider the vast consequences that might one time result from the political effects of the exercise of such a power in bad or imprudent hands. It had been said that the active part of the community would suffer by the measure proposed. He certainly would allow that there were inconveniences attached to it; but he thought that inconvenience should at all times be submitted to in deference to strict justice, especially as he agreed with an hon. gent. who spoke on the preceding night, that the very inconvenience had a tendency to correct itself. The contract for the payment of money was a stipulation as to the quantity fixed and invariable, altogether independent of the circumstances of the time at which it is so contracted to be paid. If he had not already wearied the Committee, he could cite to them various ancient precedents of contracts, wherein it was stipulated, that if, owing to any intervention of untoward public events, the obligee could not be paid by money in tale, that he should be paid in so many ounces of silver in standard weight and fineness. It had been said, in allusion to what had been already known of his sentiments, that he wanted to injure credit. No man could be more anxious than he was to see the proper commercial credit of the country established on its proper basis, or the paper currency carried further. When paper was convertible into coin, he thought it the best model of circulation in a country like this.

Here he felt it necessary to observe, that there were two kinds of banks, the one such as those of the continent, merely banks of deposit; the other banks of discount; and the Bank of England when its paper was convertible into coin, combined all the advantages of the deposit and discount banks together. He looked upon it as the most perfect model that had yet been discovered; and thought that as long as it served its proper purpose, it must be of the greatest possible service to the community at large. But when it came to be restrained in its cash payments, he could not admit there was the same state of security or of advantage to the public. With respect to what had fallen from his right hon. friend, respecting the injury likely to result from certain statements in a publication of his (Mr. Huskisson), as his right hon. friend acquitted him of every culpable intention, it would not be necessary for him to enter into any vindication of his motives. But when his right hon. friend spoke of some of the passages as having a tendency to degrade the national character, he thought that his right hon. friend was bound in candour to have pointed out those passages which struck him in so objectionable a point of view. This, however, he (Mr. Huskisson,) would say, however unwilling he was to provoke such a charge, that if such a currency could be made a legal tender, without reference to a fixed standard, it would amount to a breach of the public faith—it seemed, however, that he had given offence by his comparison in that publication between the Bank of England and the Mississippi scheme; but the principles avowed by Mr. Law were the same as those adopted by the Bank of England. Here he read several passages from Mr. Law's book, laying great stress on that passage, where Mr. Law laid it down as a principle, that "few, if any, borrow money to lay by."

His right hon. friend, in contradiction to an assertion in the Report, had stated on the authority of the Bank of England, that the standard price of gold was 4*l.* per ounce during 1809 and 1810; but what was the nature of the authority on which this statement resided? It was nothing more than a resolution of the Bank that they would not give more for it, but though they might not chuse to give more, their determination could not regulate the market price, and therefore could not be said to establish the standard. His right hon. friend had complained that the directors were not in all instances prepared for the questions put to them, and seemed to insinuate as if the Committee had taken them by surprise; but so far from that being the case, he would assert in the most positive manner, that ample time was given for the consideration of every question; and that in cases where the difficulty was in any degree perplexing, they were permitted to take the questions away in writing and answer them at some future time. So far he thought it right to state in justice to the Committee. As to the question itself, he thought it impossible that things could continue much longer in their present state. Until something effectual was done to regulate the coin of the country, the exportation of gold would continue to go on in spite of all the laws by which they would endeavour to confine it to this country. He would give his aid to any minister, for any severity which he might think necessary, to make the law effectual, if he could quote a single opinion to countenance the practicability of the experiment.—(Hear!)—He would wish to ask, what was he to consider the criterion of the depreciation of paper, if it was not the difference between the paper currency and the standard coin? If any person in that House, looking to the state of any other country, had said that this difference was not a proof of depreciation, would not all lift up their hands against the declaration, would they not inquire by what symptom or criterion were they to judge, if the state of exchange and the rate of interest, and the buying up of the coin, were not to be considered indications of a depreciated currency?

Upon this point he should refer to a paper which he held in his hand illustrative of the subject; being the edict of a gracious sovereign upon the urgent pressure brought upon his people by a depreciated currency—an edict wrung from his paternal consideration by dire necessity only: every circumstance connected with which, and its publication proved it to have been resorted to with regret, and that every care and precaution had been taken to render this measure, which was a violation of public faith, as little injurious as possible. The edict he alluded to was that issued by the emperor of Austria, for reducing the public debt of that government to the extent of four fifths. By this edict it was provided, that for every 500 florins due, 100 should be paid to liquidate the debt. The edict, however, was accompanied by a table at the end, which had been prepared, shewing the rates at which the sums due on transactions between individuals should be liquidated; in which rates allowance was made for the depreciation of the currency at the time of the contract. These proportions had been arranged from month to month, so that debts contracted on or before the 1st Jan. 1809, were to be discharged at the rate of 100 for every 103 florins: in February it continued 103; in March, it was 105, and so on till 1811, when it was 100 for 500 florins. Could any man doubt that this measure, severe as it was, had a tendency to lower prices generally, to raise the exchange, and to equalize the market and Mint prices of bullion?

No man who reflected upon this case, and considered what had taken place in this country, could possibly doubt that the currency was depreciated. Under such circumstances, it was the duty of the House to consider seriously of some remedy. He hoped and trusted the Bank had a very considerable portion of bullion in store. This opinion he entertained not upon idle rumour or conjecture, but upon good grounds. It had been stated before the Committee of the Lords in February 1797, that if the drain from the Bank were to have continued for a month, equal to what it had been during the preceding week, upon the average; or if it continued for a week on the average of the two preceding days, the stock of bullion would not have been reduced as low as it had been in 1782. Besides, in October, 1797, the Bank having no doubt made large purchases of bullion during the interval, communicated to Parliament that it was prepared to resume cash payments. He could not be persuaded, then, that the Bank had not at present a considerable stock of bullion. And though the Bank had not regulated its conduct with a view to its profits, it was still obvious, that it enjoyed large profits, and when he looked to those profits, he thought they afforded to the Bank the means of opening its payments again. In the suggestions which he had published on this subject, he had not dealt out any hard measure to the Bank. He was aware, that, by the restriction, the Bank had been enabled to enlarge its issues, whilst the suspension of cash payments rendered it unnecessary for the Bank, to keep constantly in its coffers a large deposit of unproducitve capital to meet the demands for specie, which every Bank of discount is compelled to keep always ready. Was it, then, too much to expect that the Bank should provide bullion even at its present price, when considering the large profits it had made, that operation would not place it in a worse situation than it would have been in, if no restriction had taken place. The restriction was intended to protect the Bank from the drain of specie to which it had been exposed in 1797, and to secure the public against all the ill consequences of suspending payments generally, if that drain had been suffered to proceed. That was the specific object of the measure, and not any regard for the principles and opinions which had lately been broached upon this subject. When the Bank by means of the restriction had been enabled to make extra profits, it certainly could not be too much to call upon the directors to take the necessary measures to place themselves in a situation to resume at some definite period their payments. The House was therefore bound to adopt some specific remedy, and not content itself with a declaration that it was expedient that cash payments should be resumed as soon as circumstances would permit. The extra profits, should, in his opinion, be applied to the purpose of placing the Bank in a situation to resume cash payments at a certain fixed time; but it would be cruel, and worse than cruel, to expect they should resume them in six months after the ratification of peace, under circumstances more embarrassing and aggravated than those in which they were permitted to withhold them.

If he were in error in the sentiments he had presumed to deliver upon this subject, it was an error which he shared in common with Burleigh and Bacon, with Locke and Newton and Pitt; for he had no difficulty in saying, that if gentlemen would look back to the debates of the year 1789, they would find under all the gloomy apprehensions of that period, that it was admitted by that side and by Mr. Pitt, that if the symptoms which were then described, and which were now realized, should come, the apprehensions, gloomy as they were, must be acknowledged to be well founded. If he were wrong, it was in common with such great authorities. On the other hand, if the right hon. gent. were right, he was right with Mr. Law and Mr. Lowndes; the latter of whom particularly, maintained in every part of his doctrine the principles which were now advanced by those who opposed the Committee. Again he would ask, what was the standard? The authority he had just quoted, said, that the depressed state of the currency was owing to the scarcity, and not to the debasement of the coin. As to the injury done to creditors and existing contracts, by the debasement of coin, it was solved in the favourite way by saying, that the injury was not real, but apparent; and after all, the right hon. gent. was obliged to conclude, that when the prosperity of the ountry was restored, we should return as oon as possible to our old system. But was said that the wealth of the country ended to this very system; as if the ealth of Great Britain grew out of its urrency. The proposition was too ridiculous to be maintained. The wealth of ngland consisted in the number of her ndustrious people, in the protection of ood laws, and in the blessing of a free onstitution. The spirit by which she as animated, was the source of her ealth; and those who judged her by uch a criterion, must pronounce her reatly and nobly rich; but if, neglecting hose advantages, they proceeded to take easure of her from the state of her curency, they must determine, at least for he present, that the balance was against er.—If his right hon. friend was of opiion, that remedy was necessary at the resent moment, he was sure that remedy ould be supplied; and whatever it hould be, there was so much care and atention required to further it, that he ould rather agree to it, if possible, than riginate a measure to which those at the ead of affairs might be unfavourable. He ould not suspect that his right honourable riend (the Chancellor of the Exchequer) ould be induced by any narrow consideation to neglect what he thought was ight, or to set the facilities of his own overnment in competition with the pernanent interests of the nation.

Mr. *Rose*, in explanation, observed, that here was as little similarity between the octrines which the Bank of Scotland inulcated, and those promulged by Mr. aw, of France, as could possibly be; beause where one note had been issued in cotland, there were one thousand in rance. With respect to the market rice of gold, as stated by Mr. Goldsmid o be at 4*l.* 10*s.* it was in evidence beore the Committee, that, in 1809, accordng to Mr. Merle's testimony, the price as from 4*l.* 2*s.* to 4*l.*; and in December, 810, it was at 4*l.* 2*s.* 6*d.* He thought it ecessary to state thus much, in vindicaion of what he had advanced the precedng evening. As to the admission of Mr. itt, he should only observe, that the last ime he had been at his house, about three nonths before his death, he had declared, hat he could not foresee any circumtances in which cash payments could be afely resumed during the continuance of ie war. The hon. gentleman had quoted ie authority of lords Burleigh and Bacon, and sir Isaac Newton. With lord Burleigh's works upon this subject he was not acquainted. Lord Bacon's works he was well acquainted with, and he could not remember any passage on this subject; and as to sir Isaac Newton he must observe, that he could not be prevailed on to write a line on the subject. The statement he had made respecting the price of bullion, he had had from Mr. Merle, who informed him that the highest price in 1810 was 4*l.* 8*s.* and that it had been as low as 4*l.*

Mr. *Horner* denied, that the statement of the price of gold in 1809 was correct, for if the right hon. gentleman adverted to the opinions of all the dealers in gold at that period, he would see that they fixed it at 4*l.* 10*s* per oz.

Lord *Castlereagh* rose and said:

Mr. Lushington; I am induced to offer myself to the Committee, in the present stage of the discussion, from a desire that such errors as I may have fallen into, in considering this important and complicated question, may be corrected by those who are yet to follow me in the debate.

However dry the subject may be in its details, I am satisfied it will receive the patient attention of parliament. It is essential to the best interests of the empire, that this question should not only be decided speedily, but that it should be decided upon a consideration, so ample, of all its bearings, that the judgment of the House may have the effect of finally settling the mind of the country upon it; for one cannot well imagine any thing more fatally injurious to the prosperity of a state, whose power in war, and whose advancement in peace so intimately rests upon its public credit, than having a question, such as this, hung up in suspense, to be debated from year to year, to the encouragement of the enemy, and to the dismay of our own people, and of those nations in the world who look up to us for protection.

I lament the embarrassing predicament in which the Committee is placed by the shape this discussion has taken. From the Report itself, as well as from the Resolutions of the honourable mover, we had every reason to presume that, if parliament was called upon to investigate abstract propositions, on a subject so peculiarly delicate, complicated, and abstruse, at least we should have had to discuss them with reference to some precise practical remedy to be applied to the evil which they declared to exist: but we are now desired, at least in the first instance, to consider the speculative branch of the question, distinct from the recommendation of the Committee, that the Bank should be compelled to resume its cash payments at the end of two years; and the honourable chairman (Mr. Horner), in no very equivocal terms, has apprised us, that, although he individually adheres to the propriety of that measure, he is not likely to be supported in that opinion by other members of the Committee, who have concurred in his general theory as to the state of our currency; and from the speeches of two other members of the Committee (Mr. Thornton and Mr. Huskisson), who have spoken in the debate, it does not appear that this remedy is to be pressed by them. What then is the situation that parliament is placed in? The House is called on to decry the system of our currency, to stigmatise the Bank for an erroneous, if not for an abusive administration of its functions, without having any distinct measure of correction suggested for their adoption; for surely the honourable member (Mr. Thornton) cannot suppose that we should have advanced much towards remedying this supposed evil, were we prepared to concur with him in assuming that Bank paper might, by possibility, be issued to excess, when he is not prepared to inculpate the Bank, by declaring their issues to be at present excessive. What guide can it be, in the exercise of their trust, to inform the directors of the Bank that we think their issues of notes ought to be limited, if we cannot inform them by what principle, or to what amount? I am sure, were I a Bank director, I should feel utterly incapable, from any thing which has fallen from that honourable member, of judging in what manner I should hereafter conduct myself, or in what respect I should vary, or depart from, the principles upon which I had hitherto governed my conduct. The only other suggestion, which has been thrown out, is that which fell from the honourable member who spoke last (Mr. Huskisson), namely, that, during the interval of the Suspension Act remaining in force, the Bank should augment its stock of guineas; that is, that we, without knowing what the extent of the treasure in the Bank now is, should require the directors to go into the market with their notes, at the present advanced price of gold (for by no other means could they purchase bullion to be coined), in order to add to their stock of guineas. The injurious effects which an increased demand for gold must have, upon the present disordered state of the exchanges the House will compare with the very limited supply it might be possible for the Bank, at this moment, to procure in the market, even at the exorbitant price at which standard gold now sells.

That the House has always been reluctant unnecessarily to commit itself, to affirm or deny abstract propositions, need not remind the Committee—that such a course must be peculiarly hazardous, on such a case as the present, is obvious from the complicated nature of the subject; but if the Committee should want any special warning to awaken them to a sense of the danger of such speculative judgments, they will find it in what took place in 1804, in a case similar, in all its leading features, to the present.

It is true no attempt was then made to involve the House itself in the decision of the Committee, which sat upon the exchanges with Ireland; but we cannot forget, that, in their Report, the Committee delivered an unqualified judgment, that the extraordinary rise of the exchange against Ireland, amounting at that time to 118, or about ten per cent. above par, was exclusively produced by an excessive issue of Bank of Ireland paper. And it is the more material to advert to this case on the present occasion, as the Committee, whose Report we are now considering, not only refer to the Report of 1804, as fortifying their judgment upon the general principles they have laid down, but they positively assert, that the same evil actually received a remedy from a reduction of the Bank issues at that period in Ireland. Now, what is the fact? —the Report of the Committee was made in June 1804: the Bank of Ireland notes outstanding at that time, were about 2,900,000*l.*: the exchange had been at the highest in the month of March preceding; from which period it gradually declined, without any reduction in the amount of bank paper, till the first of January 1805, when it was reduced to $8\frac{1}{2}$, or nearly par, the bank-notes in circulation being then 2,902,000*l.* The exchange continued, throughout the whole of that year, to fluctuate a little above par, never higher than 11. It is true, in the following autumn, the Bank issues were reduced bout 400,000*l.*; but the exchange had ecovered itself for months before this reuction (a reduction not very considerable n itself) had taken place: and it is sinular to observe, that, during the period he notes of the Bank of Ireland remained t this reduced standard, viz. throughout 806 and part of 1807, the exchange beame somewhat higher against Ireland, vhilst it fell to par, and under, in the ear 1809, when the Bank issues were gain augmented, viz. to about 3,100,000*l.* t which scale they have been since coninued.

I state this to shew the danger of unecessarily hazarding a parliamentary udgment on a speculative point. I call it speculative point, because, although the ommittee were peremptory, at the time, n their assertion, both with respect to the vil and the remedy, they did not attempt o recommend the actual adoption of the atter. It was fortunate that nothing was ttempted, for the Committee had no ooner committed themselves to the prinipie, than it was disproved by the fact of he exchange falling to par, the bank-notes utstanding remaining the same, and this t a moment when our foreign exchanges vere favourable, when the price of bullion vas nearly at the mint price, and when it s impossible to allege that the paper of he Bank of England was depreciated, ven in the erroneous sense it is now conended that it is. What were the causes vhich, in fact, disordered the exchange vith Ireland, at that moment, it is not now ecessary to occupy the attention of the Iouse, in examining at any length; it is nough, as applicable to the view with vhich I refer to it, to know that the cause ssigned by the Committee was not the rue cause. Without entering into a deailed exposition of the opinions I then eld in opposition to those which preailed, I will only shortly observe, that, s a member of that Committee, I was inuced to attribute a great proportion of he disparity of value, which prevailed in reland between the coin and Irish bankotes, to the efforts which a people, long abituated, almost exclusively, to a gold urrency, will make, by a premium on the oin, to obtain and preserve it in circulaon after the ordinary channel of supply cut off. The Suspension Bill of 1797 eprived Ireland of that supply of guineas hich was regularly transmitted, principally from the Bank of England, to Dublin, replace the large quantity withdrawn from Ireland, in retail payments for British coals, freights, &c. It was only by degrees, that the habits of the people of Ireland, particularly in the northern counties, could be reconciled to transact their business in notes. As guineas grew scarce, those who had to purchase commodities were obliged to have recourse to a premium, to collect the quantity of guineas they required, till the inconvenience at last became such, to both buyers and sellers, that the use of paper became, in a great measure, general. With the reduced demand for guineas the premium fell, and, in the same proportion nearly, the rate of exchange rose, and this without any apparent connexion with the quantity of bank paper in circulation.

I am desirous now of applying myself to the Report before us, and, in differing with the opinions of so intelligent a Committee, I feel all the deference which is due to their authority. The authority of the honourable member who spoke last, (Mr. Huskisson) is entitled to great respect from his experience on such subjects; but, where it is attempted, by a Report of this nature, to shake a system which has repeatedly received the sanction of the whole legislature, in the successive acts passed for the suspension of cash payments at the Bank, which was originally introduced, and subsequently continued under Mr. Pitt's auspices, I cannot consent blindly to submit myself, either to the judgment of the Committee, or to that of the honorable gentleman. The subject is of too great moment to rest upon any authority, however high; none should preclude its examination, and all I desire is, that it may be decided by the House upon its merits alone.

The preliminary point to be considered, is the principle upon which it is asserted that Bank of England notes are depreciated. It is contended that they contain, on the face of them, an obligation, that their amount shall be paid, on demand, in the standard coin of the realm, such coin being the only lawful money of Great Britain; that such payment is now withheld; that, the quantity of the precious metals, which the holder of a bank-note is entitled to receive, in standard coin, being worth, at the present market price of standard bullion, more than the note itself, the holder is consequently deprived, from the nature of the payment he receives, of a part of his just advantages.

This divides itself into two questions:

first, whether, if payment were made in gold coin, the person receiving it without a violation of law, could derive this advantage from it; and, secondly, whether his not receiving payment in coin, under the special circumstances which occasioned the Bank Restriction Bill, does not rest, not only on the sanction of positive law, but of a law enacted in perfect consistency with the spirit and obligations of the original contract, under which the valuable consideration was given for the bank-note.

Upon the first question the law is clear. No person can deface or melt down the current coin of the realm, being of standard weight. It cannot be converted, therefore, into the shape of standard bullion, to be sold, without a violation of that law, with reference to which the obligation of payment in gold by the Bank must be interpreted to have been contracted. Gold, obtained from coin not of standard weight, may be melted down, but it cannot be sent abroad without fraud or perjury, or both combined. The person receiving the guinea ought, therefore, in strictness of law and good faith, to apply it to purposes of internal circulation only; and, so used, there is no reason to presume that it passes at a value, in Great Britain, superior to a bank-note. If the note commands the same value in commodities, and performs all the same functions, so far as relates to internal circulation, as the coin, there is no just ground to consider the note as depreciated; both the note and the coin were intended for internal circulation, and for internal circulation alone. The contingent but illegal profit derived from diverting the coin from its legitimate purpose, is a species of value, which the bank-paper never was, in equity, or in fact, intended to represent. It is only through the operation of causes destructive of the established system of our standard coinage, that this advantage can attach to coin over bank-paper. To derive such an illicit benefit is an abuse, and, so far as it may operate, at this moment, to occasion a disparity of value between coin and notes, the difference is very incorrectly described under the term of "a depreciation of bank-paper."

The honourable member (Mr. Huskisson) has argued that this is a very erroneous system of coinage; that it is idle to think of preventing the standard coin from being melted, or exported; and he has gone into a great deal of general reasoning, to suggest an improved arrangement of our coinage; but it is enough, for my purpose, that such is the system at present established by law. Whether the honourable member's plan would be an improvement may admit of question; but sure I am, that we are not now in a situation to undertake a reformation in the system of our coinage.

The second question, viz. the nonconvertibility of the bank-note into cash, upon demand, must certainly be admitted to be an abandonment, for the time, of the standard coin as the medium of our payments; for although the act does not render bank-notes a legal tender for debt, yet it must have been foreseen that, when the Bank, the main source of our circulation, ceased to issue gold, individuals, as well as private bankers, must experience a similar indulgence from their creditors. The legislature did not deem it necessary as a part of the original measure, to protect debtors generally against their creditors, by compelling the latter to accept Bank of England notes in discharge of their demands. They thought they might safely leave the established credit of the bank notes to work its own way in circulation; and the experience of fourteen years has not furnished a single instance of payment in coin being insisted on (I mean in Great Britain), where notes were tendered. Guineas have circulated, notwithstanding,) the Restriction Bill, in considerable abundance, at par with bank-notes; and if they have latterly, in a great measure, disappeared, the cause is to be found in the extraordinary crisis of our commerce with the continent, together with the magnitude of our military expenditure abroad; causes which have, in this country, given a new and excessive value to the precious metals.

That the Restriction Bill, if passed under an adequate necessity, does not constitute, or sanction any breach of faith, between the Bank of England and the holders of its notes, is clear, when we advert to the nature of that great corporation. It is not in its constitution, simply a bank of deposit, as the Bank of Amsterdam, where no other value is received than deposits of silver; and for the return of which silver, on demand, to the person holding the note, or receipt of the Bank, there can be no justifiable excuse. The Bank of England is a bank of discount, as well as of deposit. It is notorious, to all holders of their notes, that a large proportion of their funds are, at all times, ent out upon credit, although in general eturnable at short periods; that their upply of guineas never can be equal to nswer all their notes, if suddenly pressed pon them for payment; that the solvency of the Bank of England, indeed of ll banks, as far as cash payments are concerned, has always rested upon the presumption, that the demands upon them for gold would be confined within certain limits. This understanding is the foundation of the banking system, and whoever takes a bank-note, must be understood to accept it subject to the contingency that a case may arise, the consequence of public calamity and alarm, which would render it impossible for the Bank to continue to supply a circulating medium to the country, paying, at the same time, its notes in cash. Such was the actual case in 1797, from a combination of causes, principally arising from internal alarm; the drain of gold became excessive, and so rapidly augmenting, that it was apprehended, if a remedy were not immediately applied, the Bank, with resources largely exceeding all demands upon it, would have been exhausted of its specie, and compelled to discontinue its functions. Its outstanding notes coming in to discharge the securities upon which they were issued, would have liquidated all claims upon the Bank; but the Bank could no longer have ventured to re-issue them, subject to payment being demandable in gold. The Bank, under such circumstances, must have ceased to act, and, with the Bank of England, all private establishments. The country would thus have been left without any circulating medium, except the coin withdrawn, which, always forming but an inconsiderable proportion of our mixed circulation, would, in a great measure, have been hoarded, as a considerable portion actually was under the then existing alarm, and the whole industry and transactions of the community must have been convulsed from the want of an adequate circulating medium.

It is obvious that the law, which makes the standard coin the only legal tender, on the part of the Bank of England, in discharge of their notes, proceeded upon the supposition of a natural state of things. It never could have been intended, under extraordinary circumstances, to enforce impossibilities; and the rights of persons, under that law, must be considered as circumscribed within certain practicable limits. It cannot be the right of a portion of the community, holding such securities, by being the first to press forward for payment, to take a benefit which cannot be partaken of by others similarly entitled. A modification of the right becomes, therefore, necessary for the purposes of justice, and the interest of the whole. The power of applying that modification must rest with the legislature, and the only question which can arise, at such a moment, is, whether an adequate necessity did exist, to justify a temporary suspension of the money system of the country. If so, parliament is competent, in this, as in all other instances, to provide for the public interest. Parliament did so provide in the year 1797; the necessity was of a description that admitted of no alternative, and it is of the very essence of the contract, on which a circulation such as ours rests, that it should be subject to such a modification.

I trust I have proved, that the passing of the Restriction Bill was no breach of public faith, and that it was called for by the necessity of the case. It has been since continued by successive acts of parliament, the last enacting, that it shall endure till six months after a definitive treaty of peace. I have been the more solicitous to defend the character of this measure against the obloquy to which it has been exposed, considering it to be one of those conservative remedies, to which, in future times of corresponding emergency, recourse must be had, if a similar necessity should recur to preserve public credit from the fatal consequences of ignorant alarm, or fraudulent operations upon our coin. I have no hesitation in admitting, that, like the suspension of the Habeas Corpus Act, or the exercise of martial law, it is a surrender, for the time, of the sound and legitimate regulations of our ordinary system; the object has been, on these occasions, by such temporary surrender, to preserve the system itself from destruction. It is the more material that the true character and tendency of the Restriction Bill should not be misconceived, as the circulation of this country, for reasons which I shall now explain, and from causes not within the province of law to regulate, but growing out of the habits of our people, and the increased confidence between man and man, is likely to undergo a change, which, although in most respects advantageous, may hereafter render it more vulnerable to injuries of the description from which we now suffer.

When I speak of our circulation in a sound state, I mean a circulation, composed of Bank-paper and coin, in such proportions as will enable any man to convert, at his pleasure, his notes into coin. I do not consider a circulation, purely metallic, or wholly of notes, as falling within this description; the former is only the device of barbarous ages, and wholly incompatible with the extended wants of a commercial country such as this; and the latter is defective, however well administered, when not convertible into coin, in being exposed, from ignorance, misstatement, and public alarm, to distrust and discredit. When I admit that a mixed circulation, such as was established by law previous to the Bank Restriction Bill, is the only sound and natural state of our currency, yet the Committee will perceive, even when the circulation exists in this its most perfect state, that it must depend on the habits of the country, and not on institutions of positive law, in what proportion the precious metals shall remain in use. If coin is little in demand—if all bargains are made in paper—if the people prefer paper as more convenient, except for the smaller payments, as more rapid in its circulation, and of more easy application to all purposes of sale and purchase—if guineas are little sought after, where the credit of the particular paper in use is not suspected, and, when it is, if the holders of such suspected paper are only desirous of converting it into other paper of more undoubted character,—it is plain the quantity of coin circulating within the country, compared with the paper, will be proportionably small. The various banking establishments will frame the scale of their cash balances upon the accustomed demand for guineas; less coin will exist in the hands of private individuals; and, although the Bank of England may, upon principles of provident caution, not allow their stock of guineas to be diminished, yet the collective coin of the whole system will be less; and in the same proportion will it be exposed to be affected, either by those causes, which may suddenly revive an internal demand for coin, or by those external influences which, by drawing away the precious metals, first in the shape of bullion, and, secondly, of coin illicitly exported, must have a tendency to disturb a system, where the coin is not in such abundance as to bear any very considerable reduction.

That such may be our situation, if the country flourishes and credit improves, may be inferred from observing the distinct character which the habits of the people had given to the currency, in different parts of the empire, previous to any restriction on the Bank. In Ireland, where, for various reasons, credit between man and man was less firmly established, the great mass of payments, and nearly all bargains, were made in coin. In England, dealings were generally in paper, and coin only used to effect the smaller payments; but with no observable preference, in those who bought or sold, in favour of coin. In Scotland, on the other hand, the circulation was almost exclusively paper; not only was there no predilection, in the mass of the community, for guineas, but so evidently the reverse, that you would almost suppose some notion of depreciation attached itself to the coin, in that part of the united kingdom. And here the learned mover will permit me to remark, that it is somewhat whimsical the press of Scotland should have been the loudest in sounding the alarm on this subject; that those who had passed their lives almost without seeing or wishing for coin, should, just at the moment when its scarcity had become inevitable, be seized for the first time with the desire to convert their paper into gold. Surely this feeling is a little perverse, if it does not originate in contemplation of those illicit profits which can now be made from melting and exporting our coin. But to return to the question.

Since the Restriction Bill took place, a great change has been wrought in the habits of the Irish people with respect to their currency; they have become, in a great measure, habituated to the use of a paper medium; they find the superior convenience of it in many respects, and, I am confident never will return (even when coin can be procured in whatever quantity they choose to purchase it) to the same exclusive use of coin which formerly prevailed. Observing, then, what has passed, what is passing, and adverting to the tendency which all nations have to retrench the expence of using the precious metals in circulation, in proportion as confidence and credit give facility to a paper currency, I think myself warranted to infer, that the habits of the people of this empire will have an insensible tendency to retrench, to a considerable degree, the use of coin; and that the progress of our system may be to assimilate itself, in a considerable degree, to what has been so long the practice of Scotland.

The Committee will, I hope, keep in mind, that, in referring to the practice of Scotland, I am not calling in question the principle of cash payments on demand, as being the indispensible basis of our money system in ordinary times. I shall hereafter examine the comparative advantages of the temporary departure from this system, which has been forced upon us by the injustice and violence of the enemy,—all I wish now to mark, is, with how small a use of coin the transactions of a country may be conducted: this Scotland has proved, and it is deserving of notice, that, in the last seventy years, there has not been a single instance of a Bank in Scotland proving insolvent. The Ayr Bank, it is true, suspended its payments, but ultimately paid all demands upon it; and it is not only remarkable that Scotland has been peculiarly exempt from Bank failures, but that, from causes which I shall hereafter advert to, connected with the localised nature of its currency, it has suffered less from individual bankruptcies, than any other part of the empire; especially during the crisis of 1793, the effects of which were so severely felt in England.

We should be aware, then, that what happened in 1797, may happen again; we should remember what has been the lot of the country under the Restriction Bill, and not throw unmerited odium on a system which has carried the empire through such mighty difficulties. We should never forget, that this measure, by supplying the country with a circulating medium of undoubted credit, proportioned to its wants, has, for the first time, solved the problem of reconciling national prosperity with a state of war. In former contests, the country invariably declined in its commerce, in its revenue, and even in its industry. In this war, whilst our exertions, both by land and sea, have in extent surpassed all former efforts, the country has risen in manufactures, internal improvement, revenue and commerce, with a velocity which has never been experienced in a period of profound peace. In the American war, its inevitable termination might be calculated from the decline of our resources; in this war, we feel that our resources are augmenting, and that there is no necessary limit to our exertions in point of time, so long as the injustice of the enemy shall leave us no other rational choice but perseverance in the contest. What is this owing to? principally to the Bank being enabled to do its duty by the country, without trembling for its own safety. Instead of ruinously, I mean as far as concerns the interests of the public, at every moment of temporary pressure or alarm, contracting its issues to protect the establishment itself from being drained of its gold, they are enabled to support public credit with a steady hand; the productive labour of the country, which is its true and only wealth, is not only kept up, but enabled to extend itself; the taxes are collected with facility; the loans are raised on moderate terms, and the whole machine proceeds without betraying a symptom of decline.

It may be said, if such are the advantages of the system, you must surely mean to render it permanent, at least, as a war measure. My answer is, that I do not hold any such opinion. And why? Because I do not believe, in ordinary cases of war, and when commerce has its accustomed freedom, that it is necessary to do so. I am, on the contrary, ready to admit, that the adoption of such a measure can only be justified by an adequate necessity. In the present instance, what is the fact? that the ruler of France has determined, at the price even of inflicting commercial ruin upon those over whom he rules, to exclude your trade from the continent. If he does not succeed effectually in doing so, if much still finds its way, his system has had the effect, comparatively at least, of turning the balance of intercourse against us, and thus influencing the exchange. His decrees are less effectual, to prevent the produce of the continent from finding its way to us, than in excluding our produce from the continental markets. Hence an obvious cause of an unfavourable exchange. In ordinary times, the immediate effect of such an unfavourable exchange would be, by a reduction of price to the foreign consumer, resulting from the advantage of the exchange, to force out a greater proportion of our manufactures: the quantity of bills would be thereby augmented; and the precious metals would, in but a comparatively small amount, be sent abroad. So long as goods could be applied to settle the account, the price of bullion would not rise materially above its natural price. But now goods cannot be sent as in ordinary times. It is not price which limits the quantity of our exports; it is the risk and difficulty of introducing them into the continent, where they sell at an advance of more than 100 per cent. What then must be the result? either that our imports must be reduced, or the precious metals be sent out as that export which can most easily find its way to the continent. Is it not obvious that this must drain the country of its bullion; that, in proportion as the stock in hand (a very inadequate resource, even including the fraudulent aid of our coin) diminishes, the price must increase—and to what extent? I can assign no other limits than the premium a rich and powerful country will pay rather than be denied the means of luxurious enjoyment, or the means of assailing the enemy, and of defending itself. If, as a nation, we are content to pay 25 per cent. rather than be deprived of the wines and brandies of the continent, or be restricted in the quantity of naval stores we require for both our public and private demands; or abandon the cause of our allies, and our own on the field; is it difficult to understand why the price of bullion rises, without referring it to a fall in the value of Bank notes? And, if the rise is such as the exchange now indicates, is it not certain that the coin will be melted and exported?

The result seems to be, that, although in ordinary times—time even of war, your gold coin, protected by laws, the efficacy of which is now wholly incompetent to struggle against the existing temptations, may maintain itself in circulation, and the banking system of the country proceed in its accustomed course, subject only to those slighter checks, which never can justify recourse being had to a bill prohibiting the Bank from issuing coin; yet that, in other times, and especially such as we live in, we have no option, but to counteract the system of the enemy by one of corresponding energy. If you do not, the Bank must either shut up, or contract its issues to such an extent as to give an artificial value to the paper currency, from its scarcity, equivalent to the advance of price on gold. This may check the gold from going out of the kingdom, but at what sacrifice? at the risk of that convulsion to which, lowering suddenly, the value of all property within the country, to an equal amount, must necessarily lead. The Committee have laid it down that the Bank ought to be guided in the amount of their issues by the state of the exchanges and the price of gold: this must mean that they are to counteract the influence of the exchange by this means, and to keep our currency, as it is said, upon a level in value with the currency of the states of the continent. If this is to be done, the quantity of circulating medium is not to depend on the internal wants of the country; it is not to be kept up to its accustomed amount, with such additions, from time to time, as the augmented extent of our transacttions may require: but it is to be regulated with reference to our external intercourse, and to exchanges influenced by the power of the enemy. If such a principle were acquiesced in, I apprehend the controul of our circulating medium would at once be surrendered to the enemy. Could you hold out a more powerful motive, to the ruler of France, to multiply his restrictive efforts against our trade, than to suffer him to suppose that he possessed a decisive influence over our internal currency, as well as over the whole property of the country?

To what an extent of mischief must it not lead, so long as foreign exchanges, and, with them, the price of the precious metals, are convulsed by the violence of the enemy, should the scale of value within the country be made to undergo similar variations: yet such must be the case, if the exchanges and the price of gold are to determine the amount of Bank issues. The value of property would become so uncertain, that no man could judge one day what he would be worth the next. The quantity of circulating medium must be so enormously and so rapidly reduced, as to throw every thing into confusion; yet such must have been the result, if the Bank Restriction Bill had not passed.

But why should we throw away the benefits proposed and experienced under that Bill, by voluntarily inflicting on ourselves the mischiefs it was intended to obviate? That Bill was passed to protect the country against the evils of having its circulating medium deranged by the demand for guineas resulting from internal alarm. It is continued to protect us against a demand for gold for exportation, in its extent equally incompatible with our being enabled either to procure or preserve a metallic currency. I am ready to admit that our present system produces a temporary abandonment of the accustomed standard. In ordinary times, the gold coin is the standard, by which the value of Bank paper, and of all other commodities, is

easured. It is chosen as our standard,
cause, whilst commerce is free, it is
ore uniform than any other. It is now,
a time, relinquished, because it has
come the least uniform. If gold, in
in, cannot be preserved, by force of
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nt. how can coin remain in circulation?
far as guineas, since 1797, have made
y part of our circulation, they have in
reat Britain been at par with Bank
tes. I mention this as a conclusive
oof that Bank notes have not been de-
eciated; protesting, however, against
e converse conclusion that even a dis-
rity of value between the coin and
ank paper, such as we have witnessed in
eland, necessarily establishes, for reasons
ready alluded to, the fact of deprecia-
on. But, when the Restriction Bill
ssed, the principle of coin and paper
eing universally convertible ceased.
he consequence has been to preserve for
etter times, in the coffers of the Bank, the
old coin, which would otherwise have
een hoarded or exported; and the effect
as been, to enable the Bank to regulate
s issues of notes by the wants of the
untry, instead of being guided by con-
derations of mere banking security.

But it is said, out of this has grown a
eat evil, which would not have happened,
the Bank had not been released from the
dinary control of cash payments: their
sues have been excessive, and their paper
now depreciated. With respect to the
st point, it appears to me, that too much
liance has been placed by the Committee,
their Report, on the infallible nature of
is criterion, namely, payments in cash
demand, for regulating the due amount
Bank issues. We are all agreed, that,
ordinary times, this must be the regu-
ting principle, and that, whatever may
its defects or inconveniences, they must
submitted to; but do not let us over-
ok their existence, or desire gratuitously
expose ourselves unnecessarily to their
eration. My persuasion is, that in
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on the Bank is apprehended, this regu-
ting principle is of little help to the Bank
guiding their judgment with respect to
e quantity of paper it may be fit for
em to issue; whilst, in times of difficulty,
leaves them no option but to restrict, for
eir own security, their issues, often to
extent they know must be prejudicial
to the public interest. When they are under no alarm for their stock of guineas, what other restraint are they subject to, than that prudential reserve which now influences their judgment, in regulating their issues?

The supposition that their issues are at present excessive, rests upon no proof; upon the best estimate which can be made of the total amount of circulating medium now in existence (including private banker's notes), it does not appear to exceed what existed previous to 1797, in a greater degree than is required by the immense increase of our trade, revenue, and manufactures, the advancement of agriculture, and every other branch of internal improvement; the whole conducted under the accumulated expence of increased taxes and advanced prices of labour. The country possesses considerable security against excessive issues, from the rapidity with which any excess is known to return upon the Bank; and this return cannot be better proved than by what may be observed to happen after the dividends are issued, when the additional quantity of notes thrown into circulation, generally amounting to several millions sterling, reduces itself in the course of a few days, and, at the end of a week, or ten days, the bank-notes outstanding are insensibly restored to their former level.

But it is said, although bank-notes may not be depreciated, the quantity issued is such as to occasion a progressive advance in the price of all commodities, injurious to the interest of the consumer, and ultimately to that of the manufacturer, by its tendency to check export. This idea is formed upon a very mistaken view of the question. I do not mean to contend that the facility of procuring discounts does not encourage speculation, and what is called overtrading; or that, where such facilities are given, the number of failures will not be augmented; but then it should be remembered, whilst some evil is produced by such speculations, much advantage results. What is it but this adventurous spirit of commercial enterprise which enables our merchants to contend against the decrees of the enemy, and to find out, in the midst of war, new channels for our superabundant produce? This evil will restrain itself. The sagacity of the lender will keep the borrower within bounds, and, in the progress of time, though individuals may suffer, the nation will be benefited.

But the effect of a full circulation upon prices at home I conceive to be the reverse of what is supposed. I admit that the first effect of a reduction of the circulating medium would be to lower prices, the value of the circulating medium itself being enhanced in proportion to its scarcity; but it would soon operate in a corresponding degree to check reproduction; and, although the produce on hand would sell cheaper, less being produced, the prices must speedily rise again, the demand continuing the same, from the scarcity of the articles. Whereas, an abundant circulation, encouraging reproduction, the competition between the sellers infallibly lowers the price, and the consumer obtains what he requires on the lowest terms for which the commodity can be profitably produced. For these reasons, I cannot admit that prices are injuriously influenced by a redundant circulation, resting on principles such as those which govern the issues of the Bank of England; and I think I may venture to assume, from the diligence of the Committee, that, if they could have traced any advance of price in the leading articles of consumption, which could be fairly shewn to connect itself with the alleged excess of notes, they would have annexed, to their Report, tables of the prices current during the period which has elapsed since the Restriction Bill took place. So far from prices having advanced in the two or three last years, since exchanges became unfavourable, and bank-notes are assumed to be depreciated, I believe the fact to be the reverse; that the rise has been gradual for a series of years past, in degree not more than commensurate with the growth of taxes: and that, in the three last years, when the excess of notes has been most complained of, there has been rather a decline than an advance in the prices current.

The most important question, however, remains to be discussed—namely, whether there is any sound principle, on which it can be alledged that Bank-notes are depreciated. It is much to be lamented that such an assertion should have been hazarded, or such a term as depreciation applied, in a parliamentary document, to the established currency of the country. I need not impress upon the minds of those to whom I address myself, what an effect it must produce in Europe, if such a conclusion should receive the countenance of the House of Commons: I trust the Committee will feel it incumbent upon them to pronounce a decisive judgment to the contrary. But it is impossible not to look with some alarm to the injurious effects upon our public credit abroad, which such a suggestion, from a Committee of this House, is calculated to produce. May not the foreigner interpret the word "depreciation" in the sense he has always understood it, as referable to his own depreciated paper currency, viz. that it requires so much more of this paper to purchase any given article of life? May he not infer, that our Bank-paper is following the same course which the French assignats and other forced paper currencies, have run, and that our resources may soon be similarly exhausted? Can we hope that the limited meaning which the Committee alone intend to annex to the word "depreciation" will be adverted to, and that a more extended sense will not be given to it? The Committee, I apprehend, mean to say, that, when the Bank-paper is not convertible at the will of the holder into coin, and when the quantity of gold contained in the coin might, if sold in the market, produce more than its value in bank-notes, as regulated by its Mint price, this constitutes depreciation, notwithstanding Bank-notes may continue to command the same amount of produce, or labour, within the country as before: and they further describe the difference between the market price of standard gold in notes and its mint price, as the precise measure of the depreciation thus imputed to Bank-paper.

If the Committee choose arbitrarily to annex such a meaning to the word depreciation, when so explained and understood, it is impossible to oppose any other reasoning to the proposition, than to deny such to be the ordinary or fair acceptation of the term. I consider Bank-notes as intended, in common with the coin of the realm, to constitute our domestic circulating medium, and each to bear a certain fixed ratio of value to the other, and to all the other commodities of the country; the latter, subject however, to the variation of a market price, perpetually fluctuating, and to the progressive advance of price which increase of taxes and other circumstances affecting the charge of reproduction may necessarily occasion. I use the term domestic circulating medium, because the policy of our laws never intended that either our coin or our Bank-paper should constitute any part of our foreign currency, or means of exchange with foreign states; that operation the law s assigned to commodities, and to bul- on, with the agency of bills of exchange.

I apprehend it is no answer to this rea- ning, to say such a law is nugatory in it- lf, and that the coin will be exported in fiance of law: the principle is not the ss true, nor can it be pronounced im- racticable in its application, except in e convulsed state in which trade now is, hen bullion has acquired a supernatural gency, and consequently a supernatural lue.

As both coin and paper are intended to t as mere domestic instruments of circu- tion, any influence which diverts either om that purpose, has a direct tendency derange the machine of circulation, by tering its proportional amount to the bu- ness it has to transact. What has been e effect of the Restriction Bill, and the audulent export of our coin? To reduce e machine of circulation to the extent of e guineas withdrawn, suppose to the nount of 20 millions. What must have een the effect of such a quantity with- rawn and not replaced by paper? That e remainder of the circulating medium, pposing it 20 millions more, must have oubled in value, and all commodities fal- n one half, to the entire subversion of all isting contracts, the convulsion of public edit, and the probable interruption of tional industry.

What then became necessary? Why, at the place of the coin withdrawn should supplied by paper, and to such an ex- nt as to preserve, not to alter the relative roportion previously subsisting between e circulating medium and the circula- ng property of the country. If the pro- rtion is preserved, the value of the paper ust remain unchanged as a medium of ternal purchase; and such I believe to the case: my conviction is, that, sub- ct to variations in prices, arising from her causes (which would have equally erated had paper and gold been inter- angeable), Bank-paper has preserved its ll standard of value with all other com- odities, bullion excepted. It may be id, how can you prove that proposition, hen paper is not convertible into coin on mand? My answer is—can you prove e reverse? It is a matter of opinion, and I fer to the current prices, fairly examined, support of my opinions.

But it is said the paper is the mere re- esentative of the precious metals, and is preciated when not convertible into em: but is it seriously meant to be contended that gold may not be augmented in value 20, 30, 50, or 100 per cent. from special causes such as are now in operation? and, if so, on whom is the loss to fall on supplying coin at such a price? Can it be imagined that the Bank is bound both to find gold and to keep up its circulation of notes, when such is the demand for the precious metals to be employed in war, and in purchases abroad? The Bank, if permitted to discontinue its issues, to leave the commercial world without discounts, and to bring ruin on all private, commercial, and banking establishments, might, without delay, I have no doubt, pay off all its outstanding notes in gold. I have no doubt also, notwithstanding the present disturbed state of the world, that by contracting their issues to 3 or 4 millions of notes, the Bank might continue uninterruptedly to pay in cash; the unnatural value thus given to the circulating medium, from its scarcity, counterbalancing the extraordinary demand for gold to send abroad; but the effect must be, that the nation, for all practical purposes, would be left without an adequate circulating medium; the Bank would suffer in a comparatively small degree; but the nation must be ruined.

To assert, then, that notes have fallen in value, because they have not risen with the precious metals, or that they have fallen, compared with the currency of other countries, because they are not convertible at this moment, without loss, into them, does appear to me to be a most inaccurate state of the question, founded on a total misrepresentation of the first principles of our paper currency. As a corollary from which error, the Committee have deduced the principle, that the exchange between any two countries never can exceed the expence of transporting the precious metals from one to the other; a fact disproved in daily practice, and proceeding upon the strange assumption, that the quantity of bullion to be procured within any country is unlimited. It is true, a person who possesses a pound of gold in one country, may command a pound of gold in any other, at the utmost, for the cost of transporting his own gold there: but the person who has no gold of his own, must, in addition to the expence of transport, first buy the pound of gold at whatever price the quantity in the market, compared with the demand, may impose; and then the expence to him of the exchange will be the increased price of the gold added to the expence of transport. In truth, the fallacy is not less evident in the former case, as the expence, to the person who possesses the gold, is what the gold is actually worth if sold, and which he sacrifices when he sends it abroad.

It appears then altogether unfounded, to assert that Bank notes are depreciated; and, if I were obliged, between two propositions, both of which I disapprove, to vote for one, I should infinitely prefer passing an act to require the Bank to resume its cash payments at the end of two years, rather than gratuitously, and without proof of the fact or any real remedy in view, vote that the notes of the Bank of England are depreciated. The effect of the former vote I might repeal before it came into operation; the consequences of the latter I could never recall. What could induce the Committee so to express themselves, is to me matter of surprise and astonishment; they have done so in direct contradiction to the evidence of every witness they examined, even of sir F. Baring and the continental merchant, the witnesses on whom they principally rely, who expressly testify against them on this material point. Sir F. Baring, an authority entitled to the highest respect, declares in terms, "that he does not consider Bank-notes to be depreciated;" and the Continental Merchant says "that Bank notes may not represent what is expressed upon the face of them, but something in fact equally real, though not applicable to equalize the balance of trade;" and he further goes on to describe, what he thus chooses to call depreciation, "as originating not in the excessive issues of the Bank, but in the enemy's measures, and its not having recovered, to the paper not being exchangeable for cash." Certainly, so long as cash could be procured upon demand and exported, the exchange and price of gold could never rise; but where is the gold to come from, to equalize this account, when our extraordinary expenditure, in the two last years, for corn, foreign freights, and government expences alone, exclusive of our ordinary imports, is estimated at from 20 to 25 millions sterling, leaving a balance upon the whole of our payments, commercial and political, of from 8 to 12 millions a year against us?

With such a balance against us, how is it possible to add to our stock of gold? with what description of value are we to purchase it abroad, or how retain it in circulation if we had it? If the Committee were prepared to recommend that our army should be withdrawn from the Peninsula, and our foreign expenditure be cut down, I can understand that they might hope, through a total change of system, and an abandonment of our allies, to bring the exchanges round, and, through a favourable exchange, to bring back the precious metals: but, to persist in exertion against the enemy, and to break down the existing system of our currency, does appear to me to be utterly impracticable. I before adverted to the advantages Scotland had derived from a local currency undisturbed in its circulation, by being diverted to the liquidation of external demands. The same result is now observable in the currency of the whole empire: we feel the inconveniences of an adverse exchange in our foreign intercourse and expenditure; but it does not affect our internal prosperity in the slightest degree. The enemy may embarrass us in the disposal of our superfluous produce, in our external expenditure, and supplies from the continent; but he cannot produce the smallest impression on our internal system. How small, comparatively, is the external question, and how absurd would it be for us to suffer our immense transactions at home to be deranged, by attempting to conform them to all the violent fluctuations which the enemy's lawless power can give to the continental exchanges, and, through them, to the price of bullion. We have happily, through the integrity and wealth of our Bank, and a state of credit between man and man unexampled in any other state, succeeded in realizing a system which the enemy cannot shake, and which, if preserved, is likely, under Providence, to carry us safely through all our difficulties. Let us recollect the successive efforts which have been made by the enemy to shake this mighty empire,—first, by arms and invasion; subsequently, through jacobinical principles and rebellion; latterly, through the extinction of commerce. All these have failed, and yielded to his last hope of shaking your safety through the destruction of your established currency—the instrument of your prosperity and the source of all your power. It is well known, when the Report we are now considering reached Paris, at the close of last session, the ruler of France was upon the point of abandoning his anti-commercial decrees; he had convinced himself, that what had annoyed Great Britain, had ruined France and her vassal states.

The view presented by the Report of the state of our currency, the declaration of its depreciation, the indispensible necessity of returning to cash payments, the exaggerated picture of the mischiefs inflicted on this country by its bank-paper not being convertible into cash, and all these effects declared to have resulted directly from the decrees in question, decided the ruler of France, not only to persevere in his commercial warfare, but with aggravated severity. Hence the burning supplement, the seizure of Holland, &c. It was obvious to him that, if we were obliged to retrace our steps, our exertions abroad must be contracted; the prospect was encouraging, and was worth the attempt. It rests with the parliament of Great Britain to make him feel that this new attempt is as abortive as all his former. The experience of the last three years has shewn him the exports of the British empire increased one fourth, in contempt of all his decrees; and, although he has succeeded in adding heavily to the costs of our European imports, as well as to our losses from confiscations, and, as far as relates to the continent, in turning the balance of payments largely against us, yet have we succeeded, in the face of his prohibitions, in exporting, even to the continent of Europe, nearly three times as much in actual value, as we did in time of profound peace, when all the continental ports were open to us, and when we had a commercial treaty with France herself.

What a proof is this of the importance of an internal system of circulation, in its nature placed beyond the reach of his power, steadily supporting the industry of the country, its true and only wealth, accommodating itself to the rising exertions of a laborious population, and resting on the credit of a Bank, the solidity of whose resources has never yet been called in question. Let us determine to cherish this system, which keeps the enemy's power at a distance, till the world is once more restored to a settled order of things.

The whole case of the Committee is built upon an assumption that we live in ordinary times, and that we may conduct ourselves upon accustomed principles. They reason as if every thing was to find its level at a moment when the licentious subversion of all those ancient principles, which have governed the conduct of nations, even when at war, compels us, in self-defence, to assume an attitude of defiance correspondent to the novel efforts employed for our destruction. It is the strength, as well as the pride of this nation that a long established system of public credit, the voluntary growth of industry protected by a free constitution and established laws, enables us to conduct our transactions, without the perpetual intervention of our standard coin. In its absence the accredited paper of our banks preserves its established relation to the general property of the country, which it continues to circulate, with an uniformity of value which could not belong to it, if tied down to bullion as the standard, and obliged to conform to all the present convulsive fluctuations in its price. Out of the necessity of abandoning for a time the convertibility of paper into cash, has grown an increased facility of conducting your expenditure abroad, in proportion to the quantity of the precious metals exported; and we have found that, when the means of sending bullion hence have been exhausted, wherever our arms have been carried, foreign gold has been supplied upon credits here, the amount of which was either returned to those countries in British commodities, or invested in our funds: thus supplying fresh resources from the capital of the foreigner for conducting the war.

The Committee, I trust, will do me the justice to remember, that I have throughout admitted a recurrence to cash payments as early as circumstances will permit, to be essential to public credit, that I have justified the existing system upon the plea alone of an over-ruling necessity, that I have not considered such a necessity as belonging to ordinary times of war, but as arising out of the new principles on which the present war has been conducted by the enemy. When the necessity ceases, I trust the system now in operation will cease with it; and I am sanguine in my belief that, with industry and commerce so flourishing, the return of our former habits, the drain of war being at an end, will not be a work of difficulty, and need not be a work of time. But, in the interval, as it has been our policy, in conducting the war, to annoy the enemy abroad, rather than await his attack on our own shores, so let us preserve that system of currency which enables us to confine his violence to the continent, and to deny to him the power of interfering with, or shaking this most vital branch of a system, under which we flourish as a nation, and through the fruits of which we contend on behalf of the world as well as ourselves.

Mr. *Horner* denied that he had retroceded, or that the Committee had altered their opinion; and maintained, that instead of bringing forward abstract propositions, he had laid before the House practical measures for them to adopt.

Lord *Castlereagh* replied, that the propositions were indefinite in their nature, and therefore unfair towards the Bank of England.

Mr. *Morris* rose principally for the purpose of answering a challenge from his right hon. friend, who had commenced the discussion that night. His hon. friend had said, that he was not aware of any case in which the tender of bank-notes had been refused, and the payment of coin enforced by law.—Such a case had however occurred in 1801, on one of the circuits in the court of common pleas; and it was the unanimous opinion of all the judges, that a creditor was fully entitled to have the payment of his debts made in the legal coin of the realm; and that it was entirely in his option to reject notes altogether. This was a consideration materially affecting the liberty of the subject. If an individual, after ineffectually tendering bank-notes, was prosecuted for debt and arrested in consequence, what step must he take? He must either buy gold bullion, at the present extravagant price, and send it to the Mint to be coined, or he must pay the debt in silver bullion, for which he must give 6*s.* per ounce, although in the payment of the debt it would be reckoned only at 5*s.* 2*d.* He allowed that the feelings of individuals would, generally speaking, restrain them from resorting to such an extreme measure towards their creditors; but such was the law; and it ought to be recollected that law was framed, not for those who cherished benevolent and honourable feelings, but for the purpose of restraining the bad passions of those who were of an opposite character. The only alternative which parliament had was evidently to make notes a legal tender; but this would be a measure attended with consequences of such an equivocal nature, that no one had ventured to mention it in the House without accompanying his notice with a great many qualifying observations. Adverting to the case of De Yonge, who was tried for trafficking in guineas, he entered into an examination of the act on which that prosecution was instituted; and expressed his doubt as to the transaction being within the meaning of the act, a doubt which was confirmed by the proceedings which had taken place subsequently to the trial.

The cry of Adjourn! adjourn! becoming very general, at two o'clock on Wednesday morning the chairman reported progress and obtained leave to sit again.

HOUSE OF COMMONS.

Wednesday, Moy 8.

Petition of the Proprietors of Newspapers in Ireland.] A Petition of several Proprietors of Newspapers in Ireland, was presented and read; setting forth,

"That from time to time it had been thought expedient by the legislature of Ireland, to lay duties upon advertisements, and down to the last session of parliament, the duty stood at one British shilling for every ten lines of the length of twenty em's of the letter called Long Primer, used in printing; and that notwithstanding this duty, when charged upon long advertisements, increased to a degree considerably exceeding the duty upon advertisements in England, yet the tax in Ireland had been for years progressively increasing, and its operation had been more favourable to the public revenue in the last year than at any preceding; and that an improved spirit in the diurnal press of Ireland, had turned the public attention to the Irish newspapers; and a proportionate desire for advertising, accompanied their extension and popularity; that this growing desire in the public being at the same time aided by corresponding efforts in the respective proprietors of newspapers to invite advertisements, there was every rational ground to hope that the public revenue would have received progressive accessions of increase, especially as the duty was not so heavy upon advertisements of a moderate length as to discourage the proprietors from inserting many at some risk of ever deriving any advantage from the insertion of them; and that in the last session an act was passed, doubling the tax upon advertisements, which measure had an immediate effect in diminishing the profits of the petitioners, without producing the effect of a proportionate increase of the public revenue; and that the petitioners have made inquiry into the amount of the duty paid before the tax upon advertisements had been doubled, d also since, and that from the best in- rmation they have been able to obtain, e produce of the duty upon advertise- ents in the Dublin newspapers alone, om the 5th of January 1810 to the 31st March next ensuing was 2,137*l.* 7*s.* 6*d.*; ıd that from the 31st of March to the)th of June following it amounted to 022*l.* 7*s.* 6*d.* making a gross sum in at period of 4,159*l.* 15*s.*; and that the ew duty commenced on the 16th of ıly, and including sixteen days of the d duty, the gross amount of the pro- ıce of advertisements from the 30th June to the 30th of September 1810 as 2,175*l.* 6*s.* 8*d.*; from the 30th of Sep- ember to the 5th of January 1811 the ross duty was 2,755*l.* 11*s.* 2*d.* making a ross sum from the 30th of June 1810 to ıe 5th of January 1811, of 4,930*l.* 7*s.* 10*d.*; and that although there ap- ears to be an increase in the produce of ıe double tax of 771*l.* 2*s.* 10*d.* yet this is be accounted for by the institution of vo daily newspapers, and a third pub- shed weekly, the duty upon the adver- sements contained in which gave a gross um of 1,000*l.* 16*s.* 4*d.* towards the sum efore mentioned of 4,930*l.* 17*s.* 10*d.*; and ıat from the above premises it is conclu- ve, that if those new newspapers had not een set up subsequent to the 16th of July, ıe duty upon advertisements, though oubly taxed, would have been less pro- uctive than with the old tax; and that a art of this produce is in fact charged pon government proclamations, and there- ore does not in reality add any thing to he revenue of the state; and that the pe- itioners were led to understand that the rinciple of the tax was to establish a ratio vhereby advertisements in Ireland should e subject to two thirds of the duty pay- ble thereon in England, but they find hat the scale was to extend no farther han to advertisements under twenty lines; nd that, from twenty lines up to any in- lefinite number, the duty payable in Ire- and exceeds that payable in England by progressive increase, which makes an dvertisement, in any of the petitioners' apers, of three hundred lines, liable to a luty of 3*l.*, whilst in England it would be ubject to but 9*s.*; and that, from the loubling the tax upon advertisements, even those persons whose necessities compel them to advertise at any price, limit heir insertions to less than half the number of times they would otherwise do, by which practice the revenue is not only reduced, but the petitioners suffer a material loss; and that the revenue arising from newspapers is also otherwise deeply affected by the decrease of advertisements, in as much as those persons who incur the expence of advertising are always interested, and therefore peculiarly anxious to promote the circulation of such papers as contain their advertisements; that also a very numerous class of readers were accustomed to purchase newspapers chiefly for the information to be derived from the advertising columns, to which class, by reason of the decrease in the advertisements in consequence of the additional tax, newspapers have lost a principal recommendation; the joint effect of which is a diminution of the circulation of newspapers, and a serious reduction of that part of the revenue which arises from the duty upon newspaper stamps, amounting to considerably more than the additional tax upon advertising was ever estimated to produce; and that so considerably has the public desire to advertise their general and particular wants through the medium of the newspapers abated, that, even if the duty were reduced to its former rate, it would require some time and inducement to bring back the fugitive business to its former standard; and, for this purpose, they conceive that the revenue would be rendered more productive by a moderate rate of duty than the present, which bears no proportion to the means of the general class of advertisers; and that the periodical press of Ireland labours under hardships and obstructions peculiar to itself, not only in consequence of the duty on advertisements in Ireland being commonly four, six, and frequently ten times greater than that imposed upon advertisements of the same length in England, but also because the proprietors are deprived of various advantages enjoyed by the English proprietors of newspapers; and that they particularly refer to the discount allowed on the payment of their stamp duties respectively, the Irish proprietor being allowed only one and a half per cent. discount, to which it was reduced the last session of parliament, while the allowance in England is upwards of seventeen and a half per cent.; and praying the House to re-establish the former rate of taxation upon advertisements, viz. one shilling British for every ten lines, and further to limit that duty, so that in no case it shall exceed the sum an advertisement of the same number of lines would be liable to in England, and also that such regulations may be made with respect to the discount allowed on newspaper stamps in Ireland as may place the petitioners upon an equal footing with the proprietors of newspapers in England."

Ordered to lie upon the table.

PETITION FROM THE CITY OF LONDON RESPECTING BETHLEM HOSPITAL.] A Petition of the mayor and commonalty and citizens of the City of London, masters guardians and governors of the house and hospital called Bethlem, situate without and near to Bishopsgate, of the said city of London, was brought up and read; setting forth, "That the hospital for lunatics or insane persons, called the house or hospital of Bethlem, situate in Moorfields, in the city of London, is a very antient brick building, and is become so ruinous as not to be capable of being in any way well and sufficiently repaired, in consequence whereof a considerable part hath been lately taken down; and that it has been thought expedient that a building of proper extent and accommodation should be erected for the reception and support of curable and incurable lunatics; and that the said hospital of Bethlem, independently of the great advantage arising therefrom to the public at large, has always received and harboured great numbers of the soldiers and sailors of his Majesty's army and navy, whereby a very great saving hath annually, for a long period of time, accrued to his Majesty's government, which would have been otherwise under the necessity of maintaining those unfortunate objects at the private houses established for the reception of such as are afflicted with derangement; and that it is the object and intention of the petitioners, in such new hospital intended to be erected (if the petitioners shall be put in a condition to erect the same), to appropriate a considerable portion of such establishment to the use of his Majesty's soldiers and sailors; and that the funds of the said hospital, being altogether inadequate to the erection of a new building for the reception of lunatics, without the assistance of parliament in furtherance of so useful and benevolent a purpose, the House was pleased, in the year 1806, to grant to the petitioners, on their application, the sum of 10,000*l.* the petitioners having it at that time in contemplation to erect the new building on land at Islington belonging to the Drapers' Company, which intention the petitioners were however unable to carry into execution, in consequence of the Bill for effectuating such purchase not having met with the approbation of parliament, the said company appearing to be trustees of such land for a specific charitable purpose, and the same being therefore considered to be inalienable without the undertaking of the master and wardens of the said company that the money to be received for the said land should be laid out in the purchase of other land to be settled to the same uses, which the said master and wardens did not feel themselves at liberty to give; and that, since the unfavourable termination of such treaty, the petitioners have come to an agreement with the city of London for an exchange of the site of the present hospital, containing about two acres and an half, for certain land belonging to the city, situate in Saint George's fields, containing about eleven acres and three quarters, on which spot the patients will possess such superior advantages of air and exercise, as they have never yet enjoyed, and which agreement has been ratified by an act of the 50th year of his present Majesty; and that the whole of the funds actually belonging to the petitioners, applicable to the purpose of erecting a new hospital, including the said sum of 10,000*l.*, amounts to the sum of 28,000*l.*, or thereabouts, to which are to be added the savings which may accrue from such part of the income of the hospital as can be appropriated to that purpose, and from the benevolent subscriptions of individuals; and that a plan hath been lately submitted to the petitioners by their surveyor, comprising within itself a building for 200 patients and for 400 patients, either of which designs can be executed as shall be judged most advisable, and as the petitioners shall be thereto aided and assisted by the liberality of parliament; and that the estimate for the building to contain 200 lunatics amounts to the sum of 85,000*l.*; and that the petitioners were prevented applying to the House before the time limited for receiving private petitions was expired, by reason that his Majesty's sanction of such an application could not be obtained sooner; and praying, that leave may be given to present a petition for the purpose above-mentioned."

Ordered, That the said Petition be referred to a Committee, with power to send for persons, papers, and records.

PETITIONS FROM PAISLEY AND LANARK
ESPECTING THE COTTON MANUFACTURE,
c.] Lord *Archibald Hamilton* presented
Petition of several persons residing in
ie town of Paisley and Suburbs thereof;
tting forth,

"That the petitioners, in consequence of
ie depressed condition of trade, have of
te been subjected to difficulties unknown
any former period ; and that at present
ich is the low state of the Cotton Manu-
ctures, that great numbers have been
rown out of employment, and the wages
f those that are employed have in gene-
l, within the last ten months, been re-
uced two thirds, so that it requires great
xertions for an individual to procure the
ecessaries of life ; and such is the gene-
al distress, that of a population of about
0,000, upwards of 1,200 families, who
rmerly supported themselves by their
wn industry, are reduced to the necessity
f receiving precarious and temporary
ssistance from their humane and more
ealthy neighbours; and that the present
alamity, though first felt by the manu-
cturers and operatives, has not been con-
ned to them alone, but has extended to
lmost every rank and profession, involv-
g in ruin many respectable individuals
f large capital ; bankruptcy has succeed-
d bankruptcy to such an alarming extent
s nearly to destroy all confidence betwixt
ie manufacturer and merchant ; and that
ie present depressed state of our manu-
ctures is chiefly owing to the exclusion
f our commerce from the continent of
urope, and the stoppage of our trade
ith America, in consequence of the orders
council and the blockading system ;
id that the present mode of returning
embers to the House by such a small
art of the population is the primary cause
the evils which this country labours
ider, as it destroys that connection which
ight to exist between the people and
eir representatives ; and that a full fair
id free representation of the people in
rliament is absolutely necessary, not
ly to give energy to the state but con-
lence to the people, who, being restored
that place and those privileges in the
nstitution to which they are well enti-
ed, would cheerfully submit to the sa-
ifices which they might be called upon
make, in order to preserve the inde-
endence, and promote the welfare of
eir country ; and praying the House to
ke into consideration the present alarm-
g state of the country, and to adopt such measures as may appear to them best calculated to afford relief."

Mr. *Curwen* did not see how any relief could be afforded, but though a friend to reform, he was convinced that their distresses had been as fully attended to, as they could under any plan of representation.

The Petition was ordered to lie on the Table.

Mr. *Houstoun* presented a Petition of several heritors, manufacturers, merchants, mechanics, and labourers of all denominations, residing in Lanark, Ayr, and Renfrew shires, and the manufacturing places adjacent, which was read; setting forth,

"That, in consequence of a rapid decline of trade, and a general stagnation of business, the labouring classes of the Petitioners have been of late subjected to sufferings exceeding in extent and severity any thing of the kind ever known in that part of the kingdom ; and that at present, such is the reduced and ruined state of the Cotton Manufacture, with which the evil originated, and with which every other profession uniformly suffers, that, of 30,000 looms, which were all employed in June last, about 15,000 are at present unoccupied, and the weavers wandering in all directions in search of work of any kind, which can rarely be found, while an equal number of women and children, or others, who depended on these chiefly, if not wholly, for employment, are also laid idle ; and that even those weavers who are at present employed, owing to an unprecedented reduction of prices, cannot average more than five shillings per week, after deducting unavoidable expences, a sum not sufficient for an individual, and bearing no proportion to the maintenance of a family ; and that a common rate of prices for weaving was drawn up and agreed to by the manufacturers there in 1792, which both parties considered fair and reasonable, and though temporary fluctuations in trade sometimes occasioned trifling deviations, yet so long as the said regulations were considered the common standard, so long the Cotton Manufacture flourished ; but these were unfortunately broke through, and an irregular mode of payment substituted in their place ; disorder of course overran the trade, and an ill-directed parsimony on the part of the several manufacturing individuals accelerated the mischief, and has at last completed the ruin irregularity had so unhappily begun ; one manufacturer broke his prices, and another followed his example, till, contending with one another for the cheapest made goods, the conscientious employer, willing to let his workmen live by their industry, was at last forced also to reduce his prices, to secure himself a chance in the market; and that to such an alarming extent has this erroneous scheme of reducing the weaver's wages been carried, that the prices paid at present do not amount, in many instances, to more than one fourth, and on a fair average are not equal to one third of that paid for the same fabrics twenty-eight years ago; so that, taking the advance on provisions, house and shop rent, and on the implements used by the weaver into the account, the price at present paid for weaving twenty-four yards of some fabrics will not procure more of these necessary articles than the price of three yards of the same fabrics would have procured at the above period, nor what four and a half yards would have paid for in 1792: in this way have the operatives been reduced to poverty, and in place of their employers being benefited by their loss, unless in a few fortunate instances, it has contributed, perhaps more than any other circumstance, to the general bankruptcy, and the present low state of commercial credit; nor was it possible it could do otherwise, every reduction of wages having a direct tendency to reduce the market, not merely for goods made at reduced prices, but also the value of the whole manufactured stock undisposed of, obliging the speculator who had overreached his capital to sell below prime cost to save his credit; and that the present sweeping calamity, so rapid and destructive in its progress, and which the petitioners are convinced has been brought about, in no small degree, by this system of reduction, though first felt by the Cotton Manufacturers and Weavers, has by no means been confined to their department of trade, the petitioners of every other profession depending in one way or other on the above branch, have all in their turn been involved, and are at present suffering a share of the general distress; a very considerable number of the journeymen house carpenters, cabinet makers, and tailors, are out of employment, while those engaged are generally limited in their working hours; the blacksmiths, masons, and others connected with buildings are also but partially employed even at reduced wages; and the petitioners in general are one third of the whole, entirely destitute of work; and that the petitioners are aware that some of the facts above stated may appear exaggerated, but, conscious that the most incredible circumstance can be attested by any number of witnesses, they are ready to substantiate them before a Committee of the House; and praying the House to take the urgent case of the labouring classes of that part of the kingdom into consideration, and devise such means for their relief as may appear best calculated to afford them employment, and reasonable wages."

Ordered to lie on the Table.

REPORT OF THE BULLION COMMITTEE.] The House having resolved itself into a Committee of the whole House to consider further of the Report of the Bullion Committee, Mr. Lushington in the Chair,

Mr. *Parnell* rose and spoke nearly as follows:

Mr. Lushington; Before I proceed to enter upon the subject, immediately before the Committee, I wish to deny the accuracy of the assertion of the noble lord (Castlereagh), "That the Committee whose Report is now under consideration had retroceded from their original opinion." Having been a member of that Committee, and well acquainted with the sentiments of those members who sanctioned the Report, I distinctly declare that there has not been among them any retrocession of opinion.—I wish also to make some observations upon a charge brought forward against the Committee by the noble lord, a charge which has been repeatedly urged out of doors, "That the Committee were guilty of a great breach of duty in having framed a Report containing doctrines and conclusions diametrically opposite to the evidence of all the witnesses, except two, that they called before them." It does not seem to me to be necessary, in order to defend the Committee, to question the accuracy of this assertion, for though it would be easy to shew, that the facts admitted by many of the witnesses, formed a complete refutation of their own doctrines, I prefer to allow the assertion to stand uncontradicted, and to endeavour to prove that the Committee acted wisely in not suffering themselves to be entirely guided by the opinions given in the evidence.

The Committee had a duty imposed on them by the House of this description; to

cide upon a great and difficult question,
respect to which, on one side, the prin-
ples of a very abstruse science were to
attended to, and on the other the de-
ils of the most complicated facts, and
e most intricate practices of trade, were
be unravelled. The science of the
se they were able to learn from books
established authority; the facts and
e practices they could only discover
the examination of those, who by pro-
ssion were the most conversant with
em. They therefore did not call before
em men of great learning in the science
political economy, or those who were most
mpetent to give opinions, but those men
business, who in the public estimation,
ere considered to be the best qualified to
ve that information on matters of fact
hich was wanting to regulate the extent,
which the principles of science were
pplicable, to enable them to form a cor-
ect judgment on the case to be decided
pon. They did not select witnesses whose
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usions that the principles of political
onomy offered; but they selected those
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eing, in the strictest sense, the decided
dvocates of those inferences which mere
ractice suggests. In doing so, it seems to
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rrect and impartial manner; that they
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lculated to enable them to form a just
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declare by so doing, that they were
nsible of being liable to be led astray
y a leaning in favour of the abstract
axims of science; and that they wished
expose any pre-existing opinions, they
ight have formed, to the test of the se-
erest trial which they could discover. I
erefore think that the conduct of the
ommittee in examining those only who
ere mere practical men, which is the cause
the evidence being all one way, so far from
eing censurable, should secure to them the
raise and confidence of the House. If it
ere an object to have avoided this charge
censure, it would have been easily attain-
; it was only necessary for the Committee
have followed the example of the Secret
ommittee of 1797, and to have examined
e of their own members, the member
r Southwark (Mr. H. Thornton), and in
is way, they might have given in evi-
ence those sentiments so ably delivered by
m in the first night's debate in favour
the Report.

If the Committee had examined witnesses, all of whom concurred in opinion with that hon. member, then indeed they might have been exposed to blame, but, in having adopted a course exactly opposite to this, they certainly evinced the greatest candour, and the best proof of their inclination to discharge most faithfully and most impartially the great duty imposed upon them.

I now beg permission to say a few words upon the value of the evidence given by that description of persons, whom it is the fashion to extol as so very superior to men of science, I mean those who are called "practical men," or "men in business." I feel that I tread on very safe grounds, and have the sanction of the highest authorities, when I say that the evidence of persons of this description ought to be received with caution; for if there is one doctrine more firmly established than another by those who have most studied their character, it is this, that men in business are commonly most ignorant of the science of the particular business which constitutes their profession.

It is certainly true, that among men in business there are to be found those who are eminently distinguished for their scientific acquirements concerning the principles of trade. This fact could not be more fully illustrated than by the great number of practical men, who have so ably treated this subject, but those form an exception to the general rule, for experience shows that the science of the practice of trade, and the science of its principles, are not often found together. There is another reason why the evidence of practical men on this particular subject, should not be held to be infallible. All men in business are interested in preserving the paper system, and preventing a recurrence to the practice of those barbarous times, as they were called by a noble lord (Castlereagh), when the circulating medium consisted of coin. While this was the case all persons in trade were under the necessity of keeping by them considerable sums, at a great loss, to meet the daily demands to which they were subject, and thus the profits of their capital were so far diminished. But in proportion as the paper system has been introduced into general use, and has been extended beyond its natural limits, the accommodation derived from it has enabled them to dispense with keeping those large sums of money idle, and to convert the whole of their capital into direct profit. It is in this way that all men in business actually have a beneficial interest in opposing the principles which the science of political economy has established; and it is for this reason, and this only, that so much censure has been heaped on the Bullion Committee for adopting these principles. I do not say that all men in business are misled in their opinions by this consideration, but it may easily be conceived, that the majority of them, educated in details and not accustomed to extended views, might, without attributing to them any improper motive, be led to make their opinions agree with their interest. So far, then, as the evidence given before the Committee was the evidence of men in business, or practical men, the Committee would have failed in their duty to the House, and proved themselves most ignorant and incapable of their trust, had they given implicit credit to it. Though the witnesses might be men of great knowledge, as they were interested witnesses, they were as little entitled to credit before the Committee, as they would have been before a court of law. In taking, however, so much evidence of this kind, the Committee has proved their impartiality, and desire of collecting every possible information. If the Committee had consisted wholly of men of science or theory, as it is now the fashion to call it, and had only examined persons of the same character, there might be some colour of reason to distrust them; but when men not more distinguished for their science than their practical knowledge are to be found among them, and a great number of men in business support the doctrines of the Report, their deliberate opinion is surely entitled to the confidence of the House and the public.

Several gentlemen who have spoken in this debate have blamed the Committee for not having adverted more fully in their Report to the late rise of prices. The reason, I apprehend, why they did not do so was, that they conceived they had not the requisite information in evidence before them. Had the information appeared to me to have been as complete as I have since ascertained it to be, I should have felt it my duty to have proposed in the Committee such an addition to the Report as would have removed this ground of censure.

As it is of the greatest importance that the cause of the rise of prices should be well understood, I shall now trouble the Committee with some observations on that head. Almost the only point, on which the utmost unanimity has prevailed, in the course of the discussion, was this, that prices had lately risen excessively. It has also been generally allowed that the rise has been equally great in the prices of all things. It is material that this should be stated to be the case, for then no cause of this rise can be considered as a good one, if it only accounts for a rise in the prices of some particular things, and not of goods in general. The author of a work entitled "Practical Observations," has said, that the Committee should have inquired into the effects of taxes and scarcity upon prices, before they alledged the advance of prices as a proof of a depreciation of paper. The answer to be given to this author is a very short one. Taxes and scarcity may account for the rise of the prices of some particular things, but neither of them can account for a rise of the prices of goods in general; for instance, taxes on the necessaries of life operate as direct taxes on labour; if the labourer who pays the tax be employed by a manufacturer he will charge upon the price of his goods this rise of taxes, and these goods only will be raised in price. If the labourer who pays the tax be employed by a farmer, the final payment will fall upon the rent of the landlord, and would not even raise the price of the produce of land. It was plain, therefore, that taxation could not be esteemed an adequate cause of the rise of prices in general. So in respect to scarcity; as the high price of corn operates in the way of a direct tax upon wages, it will no more than a tax on wages prove a sufficient cause. So again the improvement of a country will advance the prices of the produce of grazing land, but not of all things, and therefore this cannot be held as a good cause; the conclusion then to be come to is this, which is the conclusion laid down by the ablest writers, that a great and equal rise in the prices of goods in general, can only be occasioned by an alteration in the value of money.

In looking at the state of prices of corn, from the year 1636, when the effect of the discovery of the mines of America, appears to have been completed, to the year 1794, it would be found, that taking a general average of successive periods they had varied very little. From 1657 to 1700, both inclusive, the average price of the quarter of wheat was 2*l.* 11*s.* ½ from 1701 to 1764, both inclusive, 2*l.* 6*d.*, and from 1764 to 1793, both inclusive, 2*l.* 5*s.* 10*d.* But from 1794 to 1808, both inclusive, the price has been 3*l.* 15*s.* 6*d.* This great rise since 1794 is a circumstance, the explanation of which is of the greatest importance to the present discussion. But so great a variation in price is not without a precedent; a still greater took place after the discovery of the American mines, and as the cause of it has been fully explained by Dr. Adam Smith, it seems to be a safe way of proceeding in looking for the cause of the late rise, to follow the course of reasoning which he has adopted. Though objections have been made to his doctrine, that the prices of corn formed the best standard for calculating the value of money, and though it may be liable to be considered as inconsistent with his reasonings about labour as a standard of value, still it has been allowed by every one to be sufficiently accurate for the purpose of ascertaining the value of the precious metals; and that part therefore of his work which relates to them, has been generally received as of established authority. The facts which he states as to the rise of the price of corn are these: "In 1350, and for some time before, the average price of the quarter of wheat in England seems not to have been estimated lower than four ounces of silver, equal to about 20*s.* of our money. From this price it seems to have fallen gradually to two ounces of silver, equal to about 10*s.* of our present money, the price at which it was estimated, in the beginning of the 16th century, and at which it seems to have continued to be estimated till about 1570. From 1595 to 1621, both inclusive, the average price of the quarter of middle wheat was 1*l.* 12*s.* 8*d.*⅗ or about 6⅓ ounces of silver. From 1621 to 1636, both inclusive, the average price of the quarter of middle wheat was 1*l.* 19*s.* 6*d.* or about 7⅔ ounces of silver."

"The discovery of the abundant mines of America," (he says) "seems to have been the sole cause of this diminution in the value of silver in proportion to that of corn; it is accounted for accordingly, in the same manner by every body, and there never has been any dispute either about the fact, or about the cause of it."

Again he says, "when after the discovery of the abundant mines of America, corn rose to three and four times its former price, this change was universally ascribed, not to any rise in the real value of corn, but to a fall in the real value of silver."

The conclusion then to be drawn from this precedent, and from the writings of Dr. A. Smith, is this, that a great nominal rise in the price of corn, is a proof of a great fall in the real value of the precious metals, in which the price is estimated. Let us then apply this case and this conclusion to the recent advance of prices, with a view of ascertaining whether the value of gold has risen or fallen. The price of the quarter of wheat from 1764, the period to which he brought down his tables of prices, to 1794, both inclusive, was 2*l.* 5*s.* 10*d.*, and may be estimated at 280 grains of gold. The price of the quarter of wheat from 1795 to 1808, both inclusive, was 3*l.* 15*s.* 6*d.*, but the market price of gold having been greater than the mint price for the last nine years, a proportional deduction from the prices of three years should be made, which will reduce the average to 3*l.* 14*s.* 2*d.* ¼ and may be estimated at 457 grains of gold.* The real value of

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* The Price of the Quarter of Wheat statute measure.

	£.	s.	d.
1765	2	2	8
1766	1	18	3
1767	2	11	11
1768	2	7	10
1769	1	16	1
1770	1	18	8
1771	2	7	2
1772	2	10	8
1773	2	11	0
1774	2	12	8
1775	2	8	4
1776	1	18	2
1777	2	5	6
1778	2	2	0
1779	1	13	8
1780	1	15	8
1781	2	4	8
1782	2	7	10
1783	2	12	8
1784	2	8	10
1785	2	11	10
1786	1	18	10
1787	2	1	2
1788	2	5	0
1789	2	11	2
1790	2	13	2
1791	2	7	0
1792	2	2	11
1793	2	8	11

gold, therefore, seems to have fallen 63 per cent. It may be said that the scarcity of 1800 and 1801, was the cause of the high price of corn during the last four years, and not a fall in the real value of gold. But in answer to such a reason I would say, though these were unquestionably very scarce years, some of the following years were very abundant; and besides, it must be remembered, that the ports have been open to the importation of grain as completely as if there existed no law to prevent it. But there is one circumstance which I think will fully settle every doubt upon the question, which is this; in the year 1740, which was a year of extraordinary scarcity, the quarter of the best wheat did not ever rise higher than 2*l.* 10*s.* 8*d.*; in 1807, when the market was overstocked with grain, and the prices fell very low, 2*l.* 7*s.* was the lowest price of the quarter of wheat in London. This fact alone is sufficient to shew that the late advance in prices is not owing to scarce seasons.—If we examine the state of prices in other countries it will appear that a corresponding alteration has taken place. The accounts, in the Appendix to the Report of the Bullion Committee, of the prices of the corn in Spain, establish these facts; that from 1765 to 1794 both inclusive, the average price of the fanega of wheat was 35 reals vellon, and from 1795 to 1804, both inclusive, 55 reals vellon. A variation proving that the real value of silver has fallen in the proportion of 11 to 7 or 57 per cent. The right hon. gent., the Treasurer of the Navy, has told us that prices have advanced in France in as great a degree as here, and the right hon. member (Mr. Vansittart) bears testimony of a similar advance in Prussia. Though these prices in Spain, France and Prussia, were calculated in silver, and though the value of silver in proportion to gold has been gradually decreasing, still the just inference to be drawn from them is, that the real value of gold has fallen very considerably; because the decrease in the value of silver as compared with gold throughout Europe, does not appear to be greater than in the proportion which 1-15 bears to 1-16. There is some difficulty in accounting for this fall in the value of gold, because there is no evidence of the produce of the mines having of late been greater than usual. The only ostensible circumstance that has happened to account for it is the universal substitution throughout Europe of paper money for coin. This, probably, has produced a considerable effect in diminishing the demand for gold, and in sending an unusual great quantity of it into the bullion market, because gold coin is that whose place is first supplied by paper. The right hon. gent., the Treasurer of the Navy, has computed the stock of gold coin of this country before the restriction of cash payments in 1797, at 35 millions; of these, he says, there are not three remaining. Now as the whole annual supply of the gold mines of all the world is only 2,215,283*l.*[*], the addition of 32 millions of gold bullion from these countries only, to the ordinary and regular stock brought to market, must have produced a very considerable effect in lowering its value. It has appeared in the course of the debate, that the Bank paper in Austria amounts to eight millions sterling, and that of Paris to 4 millions: we have also been told, that the quantity of paper circulating in Sweden, Denmark, Russia and Portugal

1794	2	11	8
29)	66	9	10
Average......£.	2	5	10
1795	3	14	2
1796	3	17	1
1797	2	13	1
1798	2	10	3
1799	3	7	6
1800	5	13	7
1801	5	18	3
1802	3	7	5
1803	2	16	6
1804	3	0	1
1805	4	7	10
1806	3	19	0
1807	3	13	3
1808	3	19	0
	52	17	0
Deducting 2½ per cent. on the prices of the last 9 years, in consequence of gold being at 4*l.* per ounce	0	18	4½
14)	51	18	8
Average	3	14	2¼

The prices from 1764 to 1770 both inclusive are taken from Smith's Corn Tracts, p. 128. The prices from 1770, from the App. Bul. Rep.

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[*] See Appx. to Bullion Report.

s so great, that it is at a discount of from 20 to 80 per cent; from all which facts it is evident, that a new mine has been opened, a paper mine; which, by so exensively supplying the place of gold, must have produced a considerable effect in lowering its real value.

If, Sir, the facts and reasonings which I have advanced warrant this conclusion, I conceive I have established one of the greatest importance towards a correct decision of the question before us; because the position on which nearly all the arguments that have been urged against the report of the Committee, both in pamphlets out of doors and speeches here, is an assumption that the price of gold has risen, and not merely risen but risen very excessively.

I see the right hon. gent., the Chancellor of the Exchequer, does not allow the accuracy of my conclusion, that he seems to hold it very cheap; he cannot, however, overturn it by a mere expression of his disapprobation of it, because the argument is not a fanciful one of my own invention, but one drawn from the very highest authority upon the subject immediately under our consideration. When the right hon. gent. shall favour the Committee with his sentiments on the motion before us, if he shall think proper to attempt to overturn the conclusion that I have come to, that gold has fallen in value, he certainly may be able to do so, but he will only be able so to do, by shewing that the facts which I have stated concerning the prices of corn are not correct; because, in order to controvert the reasonings I have made use of upon them, he will have no less a task to perform than that of confuting the greater part of the ablest and most approved doctrines to be found in the works of Dr. Smith. I have adhered strictly to those doctrines; I have taken the prices of corn as a standard of value, as he has done; I have examined the possible effects of scarce seasons on the price of corn, as he has done; and I have shewn a corresponding advance of prices abroad, as he did also, in order to make a complete parallel course of reasoning with his on the same subject If I have done so correctly, I hope to have effected a point of great moment with regard to the present debate; no less than to have taken away the whole basis of the doctrines contended for on the other side.

In the last pamphlet which has been published with a view of exposing the doctrines of the Bullion Committee, and which may be considered as a sort of summary of all that has been written before on that side of the question, I mean the pamphlet of Lord Rosse, I find this general inference, "from these causes" (the war and its consequences) "the price of gold has risen, is rising, and we must expect that it will rise more and more." This is the language also of the noble lord (Castlereagh) whose speech, by the way, is a complete counterpart of this pamphlet; and it has also been the language of the right hon. gentleman, the Treasurer of the Navy. The Treasurer of the Navy founds upon this supposed rise of the value of gold, his whole argument against the expediency of making the Bank resume cash payments. He says the value of gold is become excessively high, therefore it is excessively scarce, and therefore it would be absolutely impracticable for the Bank to procure the quantity of it, that would be wanting to enable it to pay in cash. But according to a more accurate way of speaking of the value of gold, if to judge and speak of it according to the principles of Dr. A. Smith is a more accurate way, the whole of the reasonings of the noble lords and the right hon. gentleman, and also of about twenty or thirty pamphlets, are wholly void of foundation.

Having examined in what degree the advance of prices depend upon an alteration in the value of gold; I will now proceed to shew what part of it is owing to an alteration in the value of Bank paper. But in so doing, I have nothing more to say, than what has been said so often before, that this alteration is exactly in the proportion which the market price bears to the Mint price of gold. This is a doctrine that no one can deny without at the same time denying the existence of a legal standard of money in this country. If a speech could produce conviction in this House, that of an hon. member on the opposite bench (Mr. Huskisson) would have settled all dispute about this question of the standard. As, however, it seems to have failed to do so, and as the establishing of the fact, that coin possesses value, only in proportion to the bullion it contains, is of great moment, I shall endeavour to give strength even to his arguments, not by using any of my own, but, by reference to the work of a person that has been quoted by the Treasurer of the Navy; a person who was stiled by him "a very sensible man and an author of established authority." To such an author, so spoken of by the right hon. gentleman, the Committee I am sure will be disposed to pay great attention. But, besides the testimony of the right hon. gentleman, I am able to refer the Committee to the work of lord Liverpool for evidence of the authority of this author, who says, when comparing his opinion with that of Mr. Locke, respecting the standard of money, that the practice of all governments in every age has coincided with the opinion of Mr. Harris.—This author says, "In all countries, there is established a certain standard, both as to fineness and weight, of the several species of their coins. In England, the silver monies are to contain 111 parts of fine silver, and 9 parts alloy; and 62 of those coins called shillings, are to weigh a pound troy: That is, the pound troy with us, contains 11 ounces, 2 penny weights of fine silver, and 18 penny weights of alloy; and of a pound troy, of this standard silver, our money pound called the pound sterling, contains $\frac{20}{62}$ parts, or the pound sterling is $\frac{20}{62}$ of $\frac{111}{12}$ of a pound troy of fine silver. And this standard hath continued with us invariably, ever since the 43d year of the reign of queen Elizabeth. The standard of our present gold coins, is 11 parts of fine gold, and 1 part of alloy; and $44\frac{1}{2}$ guineas are cut out of a pound troy; so that a guinea is $= \frac{1}{44\frac{1}{2}}$ of 11 ounces of fine gold."*

Under the head of "The standard of money farther explained," he says:

"It is carefully to be observed, that by the standard of money, is always meant the quantity of pure or fine metal contained in a given sum, and not merely the degree of purity or fineness of that metal, but the fineness and gross weight are both included. Thus, the standard of a pound sterling is 3 oz. 11 dwts. $14\frac{22}{31}$ grains troy of fine silver, which is equal to 3 oz. 17 dwts. $10\frac{2}{3}$ grains of silver 11 oz. 2 dwts. fine, which is our standard of fineness. The standard of a shilling is $73\frac{29}{31}$ grains troy of fine silver, or $80\frac{28}{31}$ grains of silver $\frac{111}{12}$ fine. The standard of our money, strictly speaking, remains the same so long as there is the same quantity of pure silver in the respective coins having the old or given denominations, though the coins may be varied by making them either of finer silver and lighter, or of coarser silver and heavier. But such deviations from the old method of coining would be imprudent, as it might create suspicion of some unfair dealings, and would answer no good purpose. On the other hand, the standard may be debased or lowered either by coining the several species lighter but of the old fineness, or by retaining the old weights and making them of coarser silver, or without altering the respective coins by making a smaller number of them go to the pound sterling, which is our unit or money standard. And by debasing the standard, I every where mean the lessening of the quantity of pure silver in the pound sterling, or in the respective specie which by law is ordained to make up that sum, without regarding the particular manner in or by which they may be done.*"

He gives the following definition of the pound sterling:

"In England, accounts are kept or reckoned by the pound sterling; which, as hath been before observed, is a certain quantity of fine silver appointed by law for a standard. It is according to this standard that the public revenues are established, lands are let, salaries, stipends and wages settled, and universally all sorts of contracts both public and private are made and governed by this standard."†

Under the head of "Established standards should be inviolably kept, and more especially that of money," he makes the following valuable observations.

"The standard measures of a country being once established and known, any deviation from these afterwards could answer no good purpose; but, on the contrary, they must needs be attended with mischievous consequences; they would disturb the arithmetic of the country, confound settled ideas, create perplexities in dealings, and subject the ignorant and unwary to frauds and abuses.

"But of all standard measures in any country, that of money is the most important, and what should be most sacredly kept from any violation or alteration whatsoever. The yard, the bushel, the pound, &c. are applied only to particular commodities; and should they be altered the people would soon learn to accommodate themselves in their bargains to the new measures; and it is but rare, that these have any retrospect to preceding contracts. But money is not only an universal measure of the values of all things;

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* Part 1, p. 53.

* Part 1, p. 55.

† Part 1, p. 59.

t is also at the same time, the equiva-
nt as well as the measure in all con-
acts, foreign as well as domestic. The
ws have ordained, that coins having cer-
in denominations well known to every
ody, should contain certain assigned
uantities of pure or fine silver. This
akes our standard of money, and the
ublic faith is guaranty, that the mint
all faithfully and strictly adhere to this
andard ; it is according to this standard,
nd under this solemn guaranty, that all
ur establishments are fixed, all our con-
racts public and private, foreign and do-
estic, are made and regulated. Is it not
lf-evident then, that no alteration can
e made in the standard of money, with-
ut an opprobrious breach of the public
aith with all the world, without infringe-
ent of private property, without falsify-
g of all precedent contracts, without the
isk at least of producing infinite disorders,
istrusts, and panics among ourselves, as all
en would become thereby dubious and
secure as to what might farther be
one hereafter, without creating suspicions
broad, that there is some canker in the
tate, without giving such a shock to our
redit as might not afterwards be easily
epaired? These wild and unjustifiable
easures have ever been and ever will
e considered, as a kind of public declara-
ion of some inward debility and decay,
nd the discredit occasioned thereby, has
ver proved injurious to those who used
hem. All payments abroad are regu-
ated by the course of exchange, and that
s founded upon the intrinsic values, and
ot on the mere names of coins. But
aving once broke the public faith and
urtailed the settled and long established
easure of property, foreigners will make
mple allowance for what we may do of
his kind hereafter, and however we may
heat and rob one another, they will not
nly secure themselves, but make an ad-
antage of our discredit by bringing the
xchange against us beyond the par. If
e think to avert this evil by transporting
ur coin, our having debased it will avail
s nothing."*

Under the following head, " By debas-
ng the standard of money, the greatest loss
ill fall upon those who live on their own
stablished properties," he points out the
vil consequences of depreciated currency.
" It hath been already shewn, that,
hould the standard of money be altered,

tradesmen of all sorts would help themselves, and they would probably ward off some of the inconveniences they would otherwise be subject unto by continuing to reckon in the old money, which it is likely they would call old sterling; the deficiency to the government must be made good by a nominal increase of taxes, otherwise some of the wheels must stand still. But all men who live upon their own estates or upon established stipends, that is, all men who are not somehow concerned in trade, would have no way of helping themselves, but would be obliged to submit to the whole loss which the law in this case would throw upon them at the same time that taxes, wages and commodities of all sorts were raised, at least in proportion to the debasement of the coins. Rents, interest of money, &c. would be paid short of the original contracts; that is, they would be paid and legally discharged in the new money. The landlord could not help himself till the leases were expired, and the monied man would be a loser for ever, as he would be defrauded in both his principal and interest."*

These, Sir, are the sentiments of Mr. Harris on the subject of the standard value of our money—of Mr. Harris who has been brought forward by the right hon. gent. as a witness against the Report of the Bullion Committee,—of Mr. Harris " a most sensible man, and an author of indisputable authority!!!" The right hon. gent., the Treasurer of the Navy, while I was reading these passages, has thought proper to cheer them very loudly; what am I to understand his meaning to be? Am I to conclude that he who has disputed these doctrines when so ably stated by those who have preceded me by a counter tone of cheering, and also in his speech, wishes now to pass himself upon the Committee as approving of them? Does he mean to deny that he ever entertained the opinion I now attribute to him, or to acknowledge that these quotations have convinced him that those opinions are erroneous? I wish also to know what the right hon. gent. on the other bench (Mr. Vansittart) can mean by joining in the cheers of the right hon. gent.; surely he cannot imagine that he will thus be able to induce the House to believe, that he does not set up his authority against that of Mr. Harris. He who has denied repeatedly in the course of his speech, that legal money had any connection in value with bullion; he who has proposed resolutions contradictory to the resolutions of the hon. gent. (Mr. Horner) which resolutions contain Mr. Harris's doctrine of the standard of money, and to which the right hon. gent. intends, when the Committee divides, to give a negative.

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* Part 2, p. 30.

* Part 2, p. 43.

If then, Sir, it be true, according to the opinion of this writer of so great authority, that the pound sterling is a certain quantity of bullion appointed by law as a standard, the solution of the question at issue, whether or not Bank paper be depreciated, is really so plain and palpable as to require no further illustration than the bare statement of the fact, that the Bank-note of one pound will not purchase this certain quantity of bullion; for the proposition is simply this, The value of a pound sterling in coin consists in its containing a certain quantity of bullion. The value of a pound sterling in paper consists in its being convertible into a pound sterling in coin. Therefore the value of a pound sterling in paper consists in its being able to purchase a certain quantity of Bullion. I observe an hon. baronet (sir Thomas Turton) denies the accuracy of this reasoning. I will, therefore, endeavour to make it clearer to him by the assistance of figures. Let 4 equal the certain quantity of Bullion, 2 and 2 the 1*l.* of coin, and 3 and 1, the 1*l.* of paper. Two and two are equal to four; but three and one, are equal to two and two, and therefore three and one are equal to four. Will he now admit the accuracy of the conclusion that £. 1 of Bank paper to be of its proper value ought to be able to purchase as much bullion as 1*l.* sterling in coin? An apology I feel is due to the Committee for occupying its time with such silly calculations, but unless we have recourse to them, it is not easy to comprehend in what manner it will be possible to expose completely those silly errors which so many have adopted concerning this most simple question.

I will now, Sir, advert to the doctrine of the right hon. gent. (Mr. Vansittart) that Bank paper is not depreciated, because "in all pecuniary transactions, it is held in public estimation to be equivalent to the legal coin of the realm." In the first place, I maintain he has no means of proving the affirmative of the fact, because the legal gold coin does not continue to form a part of the circulating medium. Though some few guineas may still be given in payment in common with Bank notes, they are so very few, that, comparing the number of them with the number that were in circulation, they cannot be said to form a component part of the general currency. The facts stated by the Treasurer of the Navy, shewing how few guineas were received in payment of the taxes in Hampshire and Lancashire, are decisive on this point. In one of these counties 118 guineas only were received in the payments of 400,000*l.* It was easy to understand, why even those few were paid though each of them was worth 25*s.*; they were, no doubt, taken from the little savings of some poor persons who were unable to satisfy the pressing demands of the tax-gatherer from any other funds in these times of universal distress. In the next place, I maintain that the legal coin is worth more, sum for sum, than the promisary notes of the Bank of England. Before, however, I proceed to support this assertion by arguments, I wish to call the attention of the Committee to an admission of the rt. hon. gent., (Mr. Vansittart) which appears to me to be one of great importance. He has said, that he was a member of the Committee appointed to enquire into the state of the currency of Ireland in 1804, and that he was convinced then, and continues to be so, that Bank paper in Ireland was depreciated, because guineas were openly sold at a premium of 10 per cent. This admission places the question of the value of Bank paper in this country in a very narrow compass indeed; because the doctrine being granted, that a premium on guineas is decisive evidence of a depreciation, it remains only to be ascertained whether or not such a premium does exist. The question is no longer one of doctrine, but one of fact and depending on one fact only, and this very easily to be determined.

Now, Sir, it seems to me that, if ever there was a mere matter of fact about which every one might readily form a just and unanimous opinion, it is this concerning the comparative value of Bank paper and gold coin. In one sense it might be true that coin and Bank paper circulated for an equal value; for if I had one or two guineas in my pocket I should certainly pay them away with Bank notes without asking a premium for them, because it would not be worth my while either to keep so few by me, or to require to be allowed their real bullion value. The case would be otherwise with any

e possessed of a large quantity of them.
point of fact there was nothing but the
rror of a penal law which prevented an
tual premium from being established
i guineas. The right hon. gent. (Mr.
erceval) seems to deny it. Does he
ean to say that this penal law has the
operty of maintaining Bank paper at a
lue corresponding with that of coin?
hat it has the property of equalizing
currency of paper with a currency of
oin? That in addition to the causes of
alue laid down by all great writers on
olitical economy, he means to add the
roperties of a penal law? This he must
e ready to do, if he denies my position,
r was it not for this penal law, gold coin
ould never be found exchangeable with
ank paper in the face of the present
rice of bullion. But it so happens that this
w has not been altogether efficient, that
me persons have not regarded it. There
re at this moment three cases under pro-
ecution, where the crime alleged and prov-
d has been that of giving a considerable
remium for guineas. It is a matter also
f general notoriety that this practice of
iving a premium is universal; that it
s become a regular traffic, and that it
ould be an open one, were it not for the
upposed legal restraint upon it.

But there are several ways of shewing
hat guineas bear a premium by trans-
ctions which would not fall under this
aw; I hold in my hand a news-paper
hat I received this morning from Ireland.
t states that on Monday at Belfast,
uineas bore a premium of 15½ per cent.
vhen bought in the bank of Ireland pa-
er; the exchange of bank of Ireland paper
or bank of England paper between London
nd Belfast on that day was nearly at par.
Vhence it is plain that guineas in com-
arison with Bank of England paper at
Belfast, bear a premium of 15½ per cent.

Again suppose two bills of unquestiona-
le credit drawn in Liverpool on London
or 105*l.* each, one made payable in guineas,
he other in Bank-notes; what would be
he respective value of them on the 'Change
t Liverpool? computed in pounds ster-
ing, one would bring 105*l.*; the other,
aking that market price of gold to be 20
er cent. above the mint price, 126*l.*
Vith such evidence, then, that guineas
o really bear a premium, with what co-
our of accuracy can the right hon. gent.,
aving admitted that a premium would
rove a depreciation, maintain that no
epreciation of Bank paper has taken
lace?

With respect, Sir, to the question what the true cause is of the unfavourable state of the foreign exchanges, it appears to me, that in examining into it sufficient attention has not been paid to the definition of the meaning of the *par* of exchange. About this definition no difference of opinion exists; every one agrees that the par of exchange between two countries, is a given sum of the currency of one country, which contains the same quantity of bullion as a certain given sum of the other; this is the definition which every one of the witnesses examined before the Committee has given. Hence it is plain that foreign exchange, in its true sense, is nothing more than a comparison of currencies; and that every dealing in exchange, is nothing more than a mere barter of money for money. When, therefore, a very unusual state of exchange occurs, the natural way of accounting for it, is to refer to the definition of the *par*; and to infer from it, that such a state of exchange must be owing to some alteration in the value of the currency of one of the two countries whose exchange is in question. An unusual state of exchange is, in point of fact, according to the established definition of the par of exchange, *primâ facie* evidence of an alteration of currency. If we look into the works of the best authority on this subject, we shall find that no one doctrine is more completely established than that which accounts for an alteration in exchange by a previous alteration in currency. Sir John Stewart, an author who has been referred to by several who oppose the report of the Committee, says "If the pound sterling, which is the English unit, shall be found any how changed, and if the variation it has met with be difficult to ascertain, because of a complication of circumstances, the best way to discover it will be, to compare the former and the present value of it with the money of other nations. This the course of exchange will perform with the greatest exactness."

Lord Liverpool says, "In exchanges with foreign countries, and in payments made to them, the intrinsic value of the metal of which the coin is made, is the only measure of property and commerce." Now substituting the word paper for metal, and money for coin, it is, according to his opinion, the value of our paper that regulates our present exchange. He also quotes in his work the case, mentioned by Dr. A. Smith, concerning the exchange with the Low Countries in 1695, by which it appears, "That in consequence of the defective state of the coin at that time, it had fallen so very low that the public lost four shillings in the pound on monies remitted there." But it is unnecessary to make any further reference to the works of learned authors, the right hon. gent. (Mr. Rose) has himself supplied a fact which is quite decisive. He tells us that in consequence of the French army having retired into Spain, the discount on Portuguese paper is 18½ per cent. instead of 31 per cent. and that the course of exchange has consequently become more favourable to Portugal, having risen from 67 to 40. Nothing can be more completely illustrative of the doctrine contained in the Report of the Committee on the subject of exchange than these two facts, which the right hon. gent. has mentioned; because they shew an improvement in the course of exchange of Portugal in time and degree corresponding with the improvement of the Portuguese currency. But it so happens that there is another feature belonging to this case highly demonstrative of the accuracy of the doctrine; exchanges between London and every other country having in the course of the last fortnight improved in favour of London, excepting the exchange on Portugal.

The right hon. gent. (Mr. Rose) has been at considerable pains, to expose another doctrine of the Report, "that the course of exchange can never vary on account of trade in a greater degree, than will repay the merchant the expences of transporting Bullion." In support of this doctrine, I will again refer to the work of Mr. Harris. "Bullion, he says, "is not exported till the exchange is at a certain limit from par;" and also that "Merchants always prefer bills of exchange, whilst they are to be had at moderate rates, before bullion or cash, which with them is the same thing; and bullion is never transported from one place to another, till the exchange is at a certain distance from par; and this distance is again limited by the expence of transporting bullion, wherein is included, besides the freight, commission and insurance."*

But the right hon. gent. has produced a fact to substantiate his reasoning. It seems, that he has had a private examination of several of the witnesses, who cam before the Bullion Committee; and tha one of them shewed him a calculation, b which it appeared, that the course of exchange was now at such a rate, that profit of no less than 16 per cent. was t be made by the mere transport of gold t Paris. If this ever was for one momen the case, it is plain from the very nature of trade, that it could not last many days. A sufficient number of persons would soon avail themselves of this mode of making so large a profit, and so extraordinary a state of things would soon cease to exist. The right hon. gent. in his zeal has proved too much, so much that no one can believe the statement he has made.

There was no circumstance, that could more completely clear up all doubt as to the doctrine of the Committee in regard to exchange, both as to the cause of a permanent unfavourable exchange and the limit to fluctuation, which the transport of bullion established, than the state of things, as to exchange, between two places both having the same circulating medium. For instance, Liverpool and London. Though a very great trade is carried on between these places, there is no such thing as a fluctuation of exchange between them; there is an exchange, but of a fixed kind, amounting to a charge for commission and interest on each bill that is negociated, but this never varies. The reason is obvious; in case of a scarcity o bills, a remittance may be made, by sending a bank-note by the post, at no othe expence, but that of postage. So between London and Hamburgh, if there was a common currency there could be no fluctuation, and even without one, it can never exceed that limit, which the expence o remitting gold imposes; for when Bills are scarce, bullion being a commodity always in demand at both places, a remittance may be made of it, as well as o a bank-note, for the expence only of transporting it. Those who argue, that the present state of unfavourable exchanges may be accounted for by a balance o trade and payments, forget that the doctrine they adopt consists of two parts. For the balance will not only make exchange favourable or unfavourable, but i will also in its operation make an exchange, that is unfavourable, favourable and *vice versa*. The tendency of trade is always to bring back exchange to par; if i raises it very much above or below par it makes it a matter of so much profit to restore it to its true level, that it is sure to come to it. But, those who now argue, that the present unfavourable exchange is owing to the balance of trade and payments, forget this counteracting quality of it; and omit to observe that the permanency of an exchange at a rate much above *par*, is a state of things quite inconsistent with their own doctrine. This permanency, is, in fact, the test of the cause that is now operating on exchange. It is this state of the exchange, remaining steadily below *par*, without fluctuation, that proves that something besides the balance of trade and payments is at work upon it, and which something is the depreciation of our currency.

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* Part 1, p. 126.

But it appears that the unfavourable course of the exchange is to be explained by the greatness of our foreign expenditure. We are told, that eleven millions were remitted last year to our armies, and seven millions for grain. If this is a good cause for the present unfavourable exchange, an unfavourable exchange ought always to be the effect of a similar foreign expenditure.

But, in looking back to 1796. I find, by the report of the Lords Committee of 1797, that in that year 10,649,916*l.* were remittted to our armies in Germany, and 3,926,484*l.* for grain, but so far from the exchanges having become twenty five per cent. against this country as they now are, the exchanges with Hamburgh in 1797, which is the year to be taken to make the case parallel with the present case (as it is the foreign expenditure of 1810 to which we are referred) were in favour of London. Wherefore, I feel, that I have a right to argue, that the great foreign expenditure of the last year cannot be the true cause of the present state of the exchanges. At all events, it is not an infallible cause, whereas no instance can be produced of a depreciation of currency, which has not been followed by a depreciation of exchange.

It has surprized me, Sir, very much to hear gentlemen still contending for the effect of the decrees of Berlin and Milan upon our exchanges. I did conceive the speech of the hon. gent. (Mr. Horner) had completely settled that point. For if ever a statement was made in this House more conclusive and more triumphant than another, it was this statement in reply to the arguments of those who attributed the unfavourable state of the exchanges to these decrees. For what can produce conviction, if the facts which he has mentioned concerning the exchanges between Hamburgh and the rest of the continent, cannot? Hamburgh is a place of trade upon which these decrees have had a more mischievous operation than they have had even on our own commerce; and yet Hamburgh, having a currency of a fixed standard value in bullion, has the course of exchange in its favour with every country in Europe, in which there is a paper currency. But with France, she has an exchange of a few per cent. against her, France having a currency composed almost entirely of coin. Or what can produce conviction, on this point, if what that hon. member has said cannot, respecting the exchanges between this country and those countries against which these decrees have no operation? No one can maintain that these decrees have produced the great alteration which has taken place in the exchanges with the East Indies and West Indies, Portugal, Ireland, &c.

So much, Sir, as has been so ably said to illustrate the bad effects of this depreciation of the value of our money; and so accurate an explanation is given of them in the quotations that I have read from Mr. Harris, that I shall make but a few observations on this part of the subject. But it does so happen that I am able to produce the right hon. gentleman, the Chancellor of the Exchequer, as a witness of its very injurious effect upon our public expenditure. When the army extraordinaries were before the House, it appeared there was a deficiency of the vote of last year, of 700,000*l.* He said, that the whole of this deficiency was owing to the unfavourable exchange with Portugal. There could be no stronger proof than this, of the injury which the public sustained by this depreciation. For if so large a sum was lost upon one head only of our expenditure, how great must the loss be upon the whole of it? This depreciation was peculiarly hard upon the officers of the army and the navy, as it in effect curtailed their scanty pay, full 20 per cent. All landlords, also, who derived rents under leases made more than a few years back, sustained a similar injury. They are in fact made to pay in this way out of their incomes, more than twice the amount of the property tax.

Concerning the cause of the depreciation, I wish to go somewhat further in attemptiug to develope it, than has yet been done by any gentleman who has preceded me. I consider this to be the most material part of the whole subject. For if we fail in forming a correct notion of the cause or causes which have produced this depreciation, we shall never be able to provide a proper remedy. If a depreciation of Bank paper does exist, there can be no question that the proximate cause of it is, an over-issue of it; and that the cause of this over-issue, is the misconduct of the Directors of the Bank of England. I by no means intend to charge them with criminal misconduct. Their first duty is to advance the interests of those who have placed them in the direction of their affairs. This duty they have fulfilled with great success. The price of their stock, their bonusses and dividends, afford the best proof of the zeal and talent with which they have discharged it. If in so doing they have done great injury to the public, it must be recollected that they are able to plead this duty in justification, and that they may also say, how could you expect from us any other behaviour; we who are by profession men in business, and from our earliest days instructed that the whole skill and success of trade consists in turning every fair opportunity to a good account? For my own part it is matter of great surprise, that they have not done a great deal more injury than we have yet experienced. The cause of their misconduct does not rest with them; it is that impolitic measure of the legislature which gave to them a power which was quite inconsistent with their profession, a power which they could not exercise with full advantage to the public, without exposing themselves to the censure of those who had confided to them the management of their affairs. But before I examine the nature of this act of the legislature, the act for restraining cash payments by the Bank in 1797, I wish to call the attention of the Committee to an act passed subsequent to this act, in 1802. A right hon. gent. (Mr. Vansittart) has called the remedy proposed by the Committee, "the boldest experiment in finance," he ever heard of. I think that the right hon. gentleman should have been the last person to make such a charge against the Committee. That right hon. gentleman was the principal financial adviser of all Mr. Addington's financial measures, among which is to be found an act for altering the system of restriction, as first adopted by Mr. Pitt, from being one of a temporary nature, to be one of a permanent system of restriction, during the continuance of the war. Now, Sir, it seems to me that this was a measure more justly entitled to the appellation of a bold experiment than the measure proposed by the Committee. I will not call it the boldest experiment that I ever heard of in finance, because that character is much more appropriate to the original restriction of 1797; which I shall ever consider as a measure quite unfit to remedy the evil of the times, and as that measures of Mr. Pitt's political life, which reflects the greatest degree of blame upon him.

In respect to this measure as bearing on the present depreciation of paper, I feel myself obliged to differ from the hon. member (Mr. Horner) in his opening speech. He has stated that the cause of it was a panic that spread through the country in consequence of an expected invasion; I do not conceive this to be the true cause, and I am anxious to persuade the Committee to agree in opinion with me, because if this were to be held to be the cause, the proper remedy, in my opinion, could never be adopted. I think, Sir, that the paper money was in an unsound state for some time previous to the restrictions of 1797. That there had been more issued into circulation than there ought to have been; and, therefore, that more is necessary now to be done to remedy the evil we complain of than merely placing things in the same condition as they were just prior to the restriction. I allow that the panic spoken of by the hon. gent. had a great effect in bringing matters to a crisis; that it was the immediate cause of the run on the Bank. But it was not the original cause, it served only to bring into light the disease which had long been established. I do not submit this opinion to the Committee on any slight consideration of the subject, or without having the best authority. Lord Liverpool, who has given his judgment on the cause of the restriction, formed some years after the events of that day had passed by, and with the full advantage of having been able to take a comprehensive and dispassionate view of the whole subject, says, "When the situation of the Bank of England was under the consideration of the two Houses of Parliament in the year 1797, it was my opinion, and that of many others, that the extent to which paper currency had been carried, was the first and principal, though not the sole cause of the many difficulties to which that corporate body was then, and had of late years from time to time been exposed, in supplying the cash necessary for the commerce of the country.”

It appears to me that this opinion of lord Liverpool is one deserving of the greatest attention, if we sincerely desire to apply an effectual remedy to the evil; because, if it be correct, it fully shews that we must do something more than merely enact that cash payments shall again be made by the Bank at the expiration of two years. In the view that I take of the state of the paper currency in 1797, I am disposed to think there was an excess of it in this sense of the word excess, that is, in comparison with the quantity of coin then circulating in the kingdom; that the proportion which the paper bore to coin in order that it might be a paper money truly convertible into coin was much too great; and, therefore, that it was not what it professed to be, of the value of coin itself. The cause of this excess I attribute to that act of the legislature, which enabled the Bank to issue notes for sums under 10*l.* So long as the Bank were restrained from issuing notes of a smaller value, the whole retail trade of the country and all payments for sums under 10*l.* were of necessity made in coin, there was always therefore a prodigious stock of coin in circulation. Business could not be carried on without it, and the truth of the doctrine was fully illustrated, that a country will always have as much coin as it wants, provided no impolitic act of legislation interferes to force it out of circulation. While there was this large stock of coin in the country, it was always at hand, for the purpose of being collected by the Bank whenever circumstances occasioned runs upon them. In 1782, and 1793, the drains upon the Bank of England are stated in the Reports of the Secret Committees of 1797 to have exceeded the drain of 1797. Yet the Bank was able in those years to encounter and get over their difficulties. The reason was, that there was an abundance of coin in circulation, and they had only to pay for it, and were able to obtain it to any amount. After the law enabling the Bank to issue 5 pound notes had been in operation a few years the state of the case became quite different. The 5 pound notes issued by the Bank of England and country Banks displaced as much coin as was equal in amount to the issue of them. The stock of coin was thus materially diminished, and the proportion between paper and coin was no longer that proportion under which the paper system had before flourished; but was one that placed it on a new foundation, by taking away the facility with which the Bank had been able to obtain coin to meet all demands made upon them to give it in payment for their paper. When, therefore, the panic of invasion in 1797 led to a run on the Bank of England, it was unable to find the coin it wanted, and got into that state of difficulty, which induced Mr. Pitt to advise the restriction of their paying in coin. Whenever, therefore, we are to apply a remedy to the present state of things, I conceive it will be necessary to re-establish the limitation of Bank-notes to an amount not less than 10*l.*; because, without doing so, I am sure we shall be liable to be again called on for new restrictions of cash payments. I cannot agree in opinion with an hon. member (Mr. Huskisson) who in his very able pamphlet on this subject has thrown out, that we are to expect a recurrence of similar circumstances, such as existed in 1797, and which may again compel government to afford to the Bank a temporary protection against the demands that may be made upon it for gold. For I conceive that it is a most extraordinary position to lay down, that, in a country so opulent as this is, and among whose inhabitants there is so much industry, talent and capital, it cannot so manage its circulating medium, as to be able to provide against the necessity of having recourse to the dangerous expedient of taking from it the only attribute that gives it a proper value. I cannot for my own part discover any reason for such a doctrine, and I am quite sure that if the legislature does its duty, and imposes an effectual limitation, in the manner I have described, on the issue of Bank paper, it will completely relieve us from all future similar embarrassments.

There is another doctrine which has been advanced by the hon. member (Mr. Horner) and the hon. gent. (Mr. Huskisson), to which I cannot subscribe. I mean the doctrine of the institution of the Bank of England having been a measure of the soundest policy and greatest wisdom. I acknowledge that the Bank of England has occasionally conferred great advantages on commerce and on the finances of the country; that a great deal of good has been done to the public by the institution. But when I consider the evils which have arisen from it, that the evil of which we now complain could never have existed if no such institution had existed, when I compare the evil with the good, I have no hesitation in saying, that on the whole, the establishment of this Bank has been a great national misfortune. All the good that has been done by it might have been fully as well afforded to the public by the establishing of several Banks. If instead of one Bank having been established with so immense a capital, and such great exclusive powers, the trade of Banking had been left free, and several Banks had been allowed to grow up with the improving wealth of the country, the public would have derived equal accommodation, without any of the risk or any of the evils to which it has been exposed by the enormous power that has been given to this one establishment.

The whole of our commerce could not be, as it is now allowed to be by a noble lord (Castlereagh), under the management of 24 merchants. Such a monstrous state of things could never have existed in this great country, as that of all its best interests being subservient to the caprice, the ignorance or the misconduct of 24 merchants. The noble lord has said a great deal concerning the Banking system of Scotland, in order to prove to us how far paper money may be safely carried. But he has looked at the subject in a very superficial manner. He has made no distinction between a system of Banking which is managed by many large companies of equal powers, and a system entirely under the control of one privileged company. This distinction fully accounts for the superiority of the banking system of Scotland, where there are several great Banks, and no controuling Bank, over the banking system of England and Ireland, in both which countries there are national Banks. In Scotland, the management being in the hands of a great number of persons, much talent is brought into action, and the public derives the full benefits of a most active competition. But in England and Ireland, the numbers who direct the affairs of these national Banks are but few, and those neither fear or experience the controul of competition, which is the only corrector in all matters of trade, of the tendency of trade to interfere with the rights and interests of the public.——Some gentlemen have declared their approbation of the policy of the laws for preventing the exportation of guineas; with them I cannot agree; but on the contrary I am clearly of opinion, that we ought to repeal these laws, whenever coin shall again be paid by the Bank. If they were to be repealed no evil consequence would follow from it. Guineas would, no doubt, be sent abroad whenever it was a profitable traffic to export them; but as they would keep their shape and character of coin, according as it became a traffic of gain to import them, they would be brought back in a state fit for immediate circulation. The effect of the laws, as they now exist, is not to prevent their export, but to induce people to melt them prior to their being exported, and thus to diminish the general stock of coin. ——The laws against usury are also, in my opinion, frequently productive of great injury to the public credit. By limiting the rate of interest, whenever circumstances make money worth more than that rate, they operate directly to put a stop to all discounts. For those who usually employ their capital in discounting the bills of men in business, will not continue to employ it in that way when public securities and other resources will give them a much greater profit. The usury laws, therefore, occaionally produce that effect which it is erroneously said, the remedy proposed by the Committee would produce; that is, they deprive all men in business of the usual means of carrying on their affairs, and thus at times give rise to bankruptcies and universal distress. This effect they certainly did produce, immediately previous to the restriction of 1797; they, as well as the laws against exporting guineas, ought therefore to be repealed whenever we come to apply an effectual and complete remedy to the present disordered state of our credit and currency.

As some persons have of late insisted that the arguments and opinions of those, who in 1804 attributed the high exchange against Dublin to a depreciated currency, prove to be unfounded, because the exchange has become favourable to Dublin, without any diminution having taken place in the amount of the Bank of Ireland paper in circulation; I beg to trouble the Committee with a few observations on this subject. The state of the case in respect to the currency and exchange of Ireland in 1804, was this—The quantity of Bank of Ireland paper in 1797, the time when the Bank of Ireland was restricted from making cash payments, amounted to 600,000*l.* Up to that period the exchange with London had never been much against Dublin, it was usually somewhat in favour of Dublin. In 1804 the exchange had become established at 10 per cent.

ove the par of 8⅓ per cent. against
ublin, though the balance of trade and
yments, as proved by a Committee of
s House, was in favour of Dublin. The
tes of the Bank of Ireland in circulation
re encreased fivefold, being 3 millions;
ery village in Ireland had its Bank, and
ery large town at least half a dozen.
ineas were publicly advertised for
e, and bore a premium of 10 per cent.
t while the exchange between Dublin
d London was so circumstanced, the
change between Belfast and London
s in favour of Belfast. The north of
eland, having kept its currency of coin,
ile that of Dublin, and of the South of
eland, was wholly composed of Bank
per. The inference drawn from these
cts, by many of those who gave an opi-
on on the subject in 1804, was, that the
use of the unfavorable exchange with
ublin was owing to the depreciated value
Bank paper. An inference of which
e accuracy is now disputed, because the
change between Dublin and London is
par, though the Bank of Ireland still
ve three millions of paper in circulation.
do so, is to take a very shallow view of
e subject. The true question is, what
as the value of the Bank paper of Eng-
nd, compared with that of Ireland in
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urse of exchange, Bank of Ireland paper
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nd paper is of equal value with Bank of
eland paper. But the Bank of England
per has become of less value than it was
1804, as appears by the price of gold,
d the course of foreign exchanges. It is
erefore owing to this fall in its value,
at the value of Bank of Ireland paper
ems to have encreased, whereas accord-
g to the present value of Bank of Eng-
nd paper it has diminished; and thus it is
at nothing has occurred contradictory
the inference, that the Bank of Ireland
per was depreciated in 1804. This reason-
g will appear more clear and conclusive,
calculating the value of Bank of Ire-
nd paper in 1804, and in 1811, according
the rates of exchange between Dublin
d Hamburgh; In 1804 the exchange
with Hamburgh was 10 per cent. against Dublin. That is, the exchange with London, was 10 per cent. against Dublin, and the exchange between Hamburgh and London was at *par*: now the exchange between Hamburgh and London is 20 per cent. against London; therefore the exchange between Hamburgh and Dublin is 20 per cent. against Dublin; so far, therefore as the exchange between Dublin, and a place of which the currency has not altered in value, proves any thing, it proves that the value of the paper of the Bank of Ireland is now more depreciated than it was in 1804, a conclusion which is warranted by the present price of guineas in Ireland, which bear a premium of from 15 to 20 per cent. But they not only bear this premium with respect to Bank of Ireland paper, but with respect to Bank of England paper, in consequence of the exchange being at *par*.—The present state of the exchange with Ireland, instead therefore of establishing the case of those who dispute the opinions held respecting the unfavourable exchange of 1804, corroborates most strongly the doctrine that the unfavourable state of foreign exchanges with England is owing to the depreciation of Bank of England paper.

But, among other things, it is discovered that to alter our present paper system is incompatible with the public safety; that it will annihilate our manufacturers, destroy our commerce, and disable us from carrying on the war in Portugal. This is the picture of national calamity, which is presented to us by those who look at but one side of the question. Do they, when they make these extravagant and fanciful assertions, mean to say, that no danger will attend the continuance of the present system? That it is one beneficial to our manufacturers, salutary to our commerce, and safe for our finances? If they do, I will ask, Does not the actual state of our manufactures and our commerce afford a most decisive proof to the contrary? Has not the system of over trading, which has been the result of this excessive issue of paper, already been productive of great evil? Without then entering into a detailed refutation of the absurd and unfounded assumptions of those who think that a reformation of the paper system would be nothing less than national ruin, I maintain that this evil, great as it is, must become one of a still greater and more destructive kind, the longer the system prevails; and, therefore, by suffering it to exist, we render it more and more difficult to meet it with an effectual remedy. For my own part, I confess, that I cannot look at the continuance of this system, without anticipating the certain destruction of our public credit. No one can deny that a great scale of over trading, founded on an excessive issue of paper, will materially injure our manufactures and commerce. It must also be allowed, that our finances depend upon the prosperity of our manufactures and commerce. Our finances, therefore, and with them our public credit, and our means of carrying on the war, so often mentioned in this debate, are placed in the greatest danger by this system of paper-money. A system which the right hon. gentleman, the prime minister of this country, does not controul; which parliament does not controul, but which is entirely under the exclusive power and management of 24 merchants. A body most honourable and upright, as merchants, but not designed for such a trust. I will ask the Committee, whether it is wise or safe to leave the entire conduct of our currency in such hands? whether, while it is so, we are not subject to a degree of danger, which cannot be equalled by any possible evil which might follow from taking it from them? whether in this great and powerful country, on whose prosperity and independence as a nation the happiness of so many millions is at stake, it is sound policy to shut our eyes against our misfortunes, and fear to embark in an attempt to conquer them?

Sir *Thomas Turton* said, that after the able speeches which had been already delivered on the subject, and the copious details into which gentlemen had entered, he should confine himself to a more general statement of the points upon which the question appeared to him to rest. He complimented the motives and the talents of the Committee whose Report was under consideration, and did not agree with those who thought the publication of it calculated to do evil. On the contrary, he thought it would tend to set the question at rest by calling forth the united wisdom of the House upon a matter of such importance. He agreed with his honourable colleague (Mr. H. Thornton), that the question lay in a much narrower compass than was generally believed. The first point for consideration was, whether there was an over issue of Bank-paper; the second, whether that over-issue had an effect upon the rate of
exchange; and the third, whether th
remedy proposed was a proper one. H
took a comparative view of the state of th
country now, and when no complaint wa
made; and said, that though the coin wa
depreciated in some degree, it was no
depreciated to those who wished to go t
market, but to those who wished to do a
illegal act. No man refused to take
Bank-note and a shilling for a guinea
From the situation of trade at present,
was impossible to pay for the commoditie
of other countries by our own; so tha
money must be sent abroad, and that mu
have a tendency to produce scarcity
specie, especially when connected wit
the rate of exchange. When he added
this our situation with respect to Americ
with whom alone trade was now open t
us, he confessed his wonder was that
guinea should even shew itself. H
quoted the authority of Locke, to she
that whenever the home consumption ex
ceeded the export of commodities, guinea
must go out of the country to pay i
debts, whether they were melted down c
not.—With regard to the third poin
namely, the remedy proposed, he confesse
he was more astonished by the Resolutio
containing it than by all the others. The
were called on not to restrict the Bank
but to let the river flow into its old chan
nel; but if that were done, could an
man say that it would be possible to giv
any accommodation to the mercanti
world? Were this agreed to, the Ban
could never purchase money to meet th
return of notes in present circulation
and they must therefore (as given in ev
dence by Mr. Pearce) call in their note
and diminish the circulating mediun
This would ruin commerce, and reduce o
exports and imports materially. It woul
hermetically seal the continent against u
which was now only opened by the sp
culations which the discounts of the Ban
enabled merchants to carry into effec
though at their own risk, yet greatly
the benefit of the country. It was th
that the Bank had upheld the countr
when it wanted help, and to open it no
would only be to forward the views
Buonaparté, and enforce his Milan an
Berlin decrees. As for legislating for tw
years to come, he protested against it,
making ordinances for a period, the sta
of which no one could foresee. This w
a matter of vital consequence, and
could not give a silent vote upon it. H
was against all the propositions made, ex

pt such truisms as were undeniable,
ough of no value but as leading to the
sult, and would give his direct negative
the last. In this way he thought they
ght to have been firmly met by the
ouse, to set the question at rest, rather
an by proposing other Resolutions.

Mr. *Manning* began by vindicating the
te governor of the Bank from the insinu-
ions thrown out against him by the hon.
d learned gentleman who opened the
bate. He said, that with respect to any
servations which he might offer in the
urse of his speech, he wished to be
early understood as merely stating his
vn individual opinion, and not as one
thorised or commissioned by the Bank
speak their sentiments. A charge
d been made against the Bank, that they
d been guilty of a wanton issue of bank
tes in the course of the last summer, to
e amount of three millions; it was, how-
er, not a little remarkable that this very
ue which had been so censured, had
en recommended by the Report of the
llion Committee. In the two first weeks
July, 1809, the issue of bank post bills
nounted to 7,390*l.*; in the correspond-
g weeks for July, 1810, at the time of the
ilures at Salisbury and Exeter, the issue
bank post bills amounted to 14,300*l.* so
at there was but an excess of 7,000*l.*
er the issue at the same period in the
rmer year. And notwithstanding the
eat and material difference in the cir-
mstances of those two periods, there had
en, in addition to this, an issue of small
tes between the preceding June and the
ctober following to the amount of a mil-
n and half. An hon. friend of his (Mr.
uskisson) had in the course of his speech
t night, contended that bank notes could
present nothing but so much in gold
llion. He was not aware of any royal
oclamation, or of any act of parliament,
ich made Bank notes the representation
so much in bullion; but to shew that
s was not altogether a new case, or one
at could be traced to causes which never
isted till now, he begged leave to refer
em to the authority of their own Jour-
ls, where, so far back as the year 1620,
ey would find that the scarcity of gold
d silver currency was then attributed to
ven different causes, many of which ex-
ed at present. Sir Edward Coke was
ported, in the first volume of the Jour-
ls, p. 527, to have traced the scarcity
money at that time to the following
uses: "1. The goldsmiths melting the King's Coin into plate; 2. gilding; 3. Great loss by exchange; 4. The East India Company; 5. The Goods imported more than exported; 6. French wines, which were brought in in great quantities; and 7. The patent of making gold and silver lace of our bullion; and prohibiting the bringing in any." And sir Edward Sands, in the course of the same debate, ascribed it to the great importation of foreign grain, adding, "That it was the policy of all other states, not to suffer any importation of commodities, when they had of their own, till theirs were sold." When a similar effect could thus be traced to other causes, long before there was any Bank paper, he thought it was not right hastily to attribute the high price of Bullion to the issue of Bank notes. From the view he took of the original measure of restriction, and the circumstances under which it was extended to the continuance of the war, he conceived it would be extremely unsafe to name a definite and particular period at which the Bank should return to cash payments. In his view of the causes which led to the Bank restriction in 1797, they appeared to him to be chiefly reducible to the then very great and prevalent alarm of invasion. Even the order then made by government, obliging the farmers on the maritime coasts to remove their stock and provender far into the interior of the country, had the effect of extending this alarm so much amongst that description of persons, that they were every where selling off their lands and farms, and converting their substance into gold: so that had it not been for the well-timed and seasonable restriction which then took place, he doubted if there would have been left a single guinea in the Bank of England. In the month of October following, however, when the alarm had somewhat subsided, the Bank of England declared to that House their readiness to resume their cash payments; but the House, notwithstanding such a document was on their table, passed an act continuing the restriction during the war. This he could state, both for himself and the other gentlemen connected with the Bank Direction, that from the year 1797 to the present time, the greatest anxiety had prevailed so to shape their conduct, as to return, at the earliest period, to cash payments. It was always their wish to recur to the use of specie, as soon as the circumstances of the country would admit of it. This, he

was well convinced, was not the period at which it could be done with advantage. Some gentlemen appeared to believe that the Directors of the Bank derived a great benefit from the issue of notes. This he denied. And he would boldly affirm, that not only they, but the Proprietors of Bank Stock, had a greater desire for the public good than for any individual advantage. He would state shortly what appeared to him to be the cause of the present state of Exchange; and this he should premise by declaring himself one of those old fashioned practical men, who thought the balance of payments an article of great importance in the regulation of exchanges If the importation did not balance the exportation, the silver must go out of the country. The high price of Bullion had been occasioned, in a great degree, by the enormous sums sent to the continent. Mr. Locke had observed, "that money could not be kept in a country, unless the balance of trade was steadily in her favour. Thus, an over-balance of trade with Spain brought silver into the mint; but if the balance is against us in another part, away went the coin." This was sound reasoning, and the circumstances of last year fully verified it. A right hon. friend of his (Mr. Rose) had stated on a former night, that the payment of the troops on the Peninsula amounted to eleven or twelve millions, seven millions had been sent abroad for grain, the foreign freights amount to four millions and a half, the dividends on stock owned by foreigners in the public funds amounted to 600,000*l.* and, with a variety of other items, made the sum sent out of the country not less than 26,000,000*l.* When there was such a drain as that, it was very natural that the price of bullion should have had a very considerable rise. The hon. gentleman then entered into a comparative statement between the revenue of the country and the issue of Bank notes, in the years 1797 and 1810, and inferred that, if the issue of Bank paper had kept pace with the revenue, and the imports and exports, on the principle of the rule of three, there should be now 1,000,000*l.* more in circulation than there actually was; and if he confined himself to the revenue alone, then, proceeding on the same principle, the notes in circulation ought to be three times as great as in 1797. An hon. gentleman (Mr. Marryatt) who had written a pamphlet on the subject, stated it as his opinion, that a new chartered Bank ought to be established. The consequences of such a measure would be, that instead of the number of notes being diminished, the circulation of Bank paper would be doubled. Sir William Pulteney had made a similar poposition in the year 1797, which, however, was rejected. The act of the year 1797 permitted certain of the banking-houses to discount, and of 70 in the metropolis, 36 were allowed that privilege; of that number, only 20 availed themselves of the privilege, and that to a very limited amount. As to the probable cause of the high price of gold, upon which so many opinions had gone forth, among them was the idea that great quantities had been sent abroad. It was true that South American remittances had been made in metallic currency, because in that country there were no dealings by bills of exchange. When he stated among other causes, that within the last year the coin had been melted down into plate the same as in the reign of James 2, the Committee would not be surprised that there should be found so great a scarcity. Within the last year, at Goldsmiths-hall, not less than 148,000lbs. of silver had been stamped, and also 2,300lbs. of gold, exceeding in amount, the average of former years. These were sufficient causes to account for the scarcity. When gentlemen talked of the depreciation of paper, and produced quotations from pamphlets in aid of thoir own arguments, he trusted it would not be deemed irrelevant if he read an extract from the letter of a friend addressed to himself; who says, upon the subject of the supposed depreciation of paper, that there existed a mistake in the signification of the word "depreciation." When, therefore, an hon. member had said, that a one pound note and a shilling would most certainly purchase the same quantity of any article as a guinea, and that a guinea was worth more than 21*s.*, it certainly proved that a guinea was worth more than its nominal value; but it did not prove that a one pound note was worth less than 20 shillings. Much had been said of the necessity of repealing the Bank Restriction act; whatever might be the opinion of gentlemen on the expediency of repealing that measure was a question which perhaps, did not exactly ground itsel upon the Report of that Committee, or at least, as appeared to him, it was not necessary for the Committee to make tha recommendation. All that was desire f them by the House, was, to report on he causes of the high price of gold. If, herefore, gentlemen wished for a repeal, hat was a distinct subject, in his opinion, nd ought to have been so brought forvard.

The hon. gent., in furtherance of his rguments against the repeal of the Act, nstanced the authority of a very great nan, sir Francis Baring, who, in a pamphlet published in 1797, says, "The ituation of the Bank is totally altered in consequence of the drains of gold and ilver, and will remain so until the panic as subsided and confidence is restored. Whether the restriction should be suffered o expire, should be renewed, or altered, s a question which cannot at present be ecided. Upon mature consideration, owever, I think it should continue, and I much doubt whether it would not be rudent under certain restrictions, to make Bank notes a legal tender. My chief reason for thinking so is, that public credit ought never to be subject to convulsions, nor to a change even from good to better, unless there is a certainty of maintaining t in that position; a retrograde movement n public credit is productive of evil consequences, which are incalculable, and, therefore, are averse to the Bank of England resuming their payments during the continuance of the war."—It was his most anxious wish that the Bank should return to the old system; but it was also his firm opinion, that such an experiment should not be risked during the war. On the subject of the difference of exchanges affecting the price of gold, that, in some degree, might be true. The interruption of the intercourse with America no doubt affected the exchange on the continent, as bills could not be readily negociated there. If the removal of the restriction were to be acceded to, he was very apprehensive that it would open the flood-gates, and let all the coin of the country out; and then there would be little chance of seeing it back. Besides, it was to be remembered that the money was detained for useful purposes, which must be obvious without his naming them; but if let loose, it would get into the hands of the enemy, and consequently was much safer where it was. The effect of sending out twenty millions of specie in 1801 and 1802, was to overturn the state of exchanges on the continent. He repeated he was most clearly of opinion, that the restriction ought to be continued during the war, and should enter his solemn protest against its being taken off sooner.

Mr. *A. Baring* thought it perfectly superfluous in him, after the able discussions which the principle and details of the Report had undergone, to enter at length into that part of the subject which had been so fully gone into. He begged, however, to throw out his opinion, and view of a question, which he conceived of the most extreme importance. His opinions as to the exchange, were certainly conformable to those stated in the Report, and detailed in the speech of the hon. and learned gentleman who had brought forward the question. He certainly agreed that there was a depreciation of our paper currency, for no other term except that of depreciation, could he find capable of conveying his meaning; his wish, by the use of the term depreciation, being to convey that it no longer bore that value which attached to the precious metals it purported to represent. He did not agree, however, that this depreciation was to be attributed solely to the excess of the circulation of paper, but to the state of trade, and the balance of exchange being against us. This depreciation, however, could not exist, if it were not for the state in which our paper had been placed. His mind was so firmly made up on this subject, that he did not feel it necessary to trouble himself in reading the numerous publications of those who had argued otherwise. If any person were to tell him that gold bore one price in London and another in Westminster, he should not believe him, convinced as he must be that he laboured under misinformation or misapprehension of the subject. That there must be an excess of paper he did not deny, and he also confessed that this excess of paper had raised the price of every commodity, and of gold with the others. The reason was obvious. Any country having a circulation of precious metals, it naturally corrected itself, but no such limit applied to paper. The grand origin of the rise of gold, however, was the state of trade, and balance of exchange being against us. As this point was disputed, and as it was doubted whether it was the excess of paper or the balance of trade which had turned the exchange against us, he should beg to read the opinion of the editor of Smith's Wealth of Nations on this subject, who says, "Hitherto notes answer our purpose, and so will they as long as there is a balance of trade in our favour; but the moment the balance of trade is against us, and there is not a circulation ready to meet it, that moment there will be a depreciation of our notes."—Now, though this was but the opinion of a writer upon this subject, still being expressive of his opinion as to what would happen, he was more inclined to give credit to it than to any of the fifty pamphlets brought forth since the thing had actually taken place. He did not deny that there was an increase of bank paper; but this was occasioned by circumstances which rendered the increase necessary. The evil was not attributable, in a principal degree, to the paper, but to the state of trade, and if a change in trade took place, the exchange would, in a great measure, rescue itself. It had been said, there was no difference in value at present between notes and gold in shops. If the system to which he should shortly allude, however, was suffered to go on, no doubt there would soon be a difference. We should see mutton to be sold for 8d. per lb. if to be paid for in gold; at 9d. if to be paid for in paper. If a remedy of a proper kind was not speedily adopted, the House must be obliged to make this paper a legal tender for debt; else we might see a person sent to prison for debt with his coffers full of bank paper. An hon. gentleman (Mr. Huskisson) in his speech of last night had talked as if he was proposing what would be a proper circulating medium for a new country which had never yet had any political existence. He seemed as if he had slept during the last and present most calamitous and extraordinary of all wars, and told us what sir Isaac Newton and Mr. Locke said on these subjects. They, however, had argued only on speculation, and could have had no conception of such a country, or of such a state of things as that which we now witnessed. When the hon. gentleman came, however, to the time of Mr. Pitt, he told the House that he never had an idea, nor ever intended for a moment that there should be an alteration in the value of paper compared with gold. He (Mr. Baring) said that was impossible; restriction itself implied a difference; and the only question that could remain must be merely this, should it be more or less? To what extent should this difference go? This implied a depreciation. Excess always found its own check; but the moment restriction came, all check ceased. No extent of trade could ever require a restriction bill; but when the people came to raise a fictitious property, they must give it a circulating medium, and as the circulating medium here selected could not support its value abroad, it must lose the requisite elasticity, and produce a balance of exchange against this country. A right hon. gent. on the bench beneath him (Mr. Vansittart), had said that the funds had nothing to do with this. He on the contrary, thought they had a great deal to do with it. A comparative view of the money raised during the present war would shew this. To the year 1793, immediately previous to the war, the sum raised was 17 millions and a half. In the year 1794, the sum was 45 millions; and from this sum it continued to increase, amounting in one year to 96 millions; and in the present year, by taxes and the loan, the sum raised would be upwards of 90 millions. He, for one, entertained serious doubts if any circulation could be found, not leading the country to ruin, to supply an increase of from 17 millions and a half in the year 1793, to nearly 100 millions in the year 1811. The right hon. bart. opposite (sir J. Sinclair) might boast of his improvements in agriculture; of his highways and canals—and certainly the country was in a high state of improvement—but what degree of improvement would be necessary to feed such a system? To do so, we must put a fictitious value upon every thing in the country—land let at 20*s.* must be supposed to be worth 40*s.* and so on in proportion. He recollected the Income tax was calculated to be raised on a capital of 100 milions; but now we raised 90 millions within the year. The Income tax produced about 12 millions, but we rised 90 millions, nearly to the extent of what was once dreaded as the extent of the whole national debt, and to which when the national debt should amount, it was thought the country must be ruined. To support such a system, we must give a fictitious value to property, and must have a fictitious medium of circulation for carrying it on. The first grand step taken by Mr. Pitt was an artificial system of finance. Suppose this to go on, and that instead of 90 millions, we must raise 180 millions. Then, that it should require to be raised to 360 millions. If it could last till we saw this, would the right hon. gent. say that all was right? But to this it must come, unless a change of system immediately took place. And when a depreciation of our paper was stated to have taken place, what said the ight hon. gent.? "Oh, it is all through he Bank." He (Mr. Baring) said it all rose from the system of finance. The ight hon. gent. himself said last year, hat every thing depended on a reform in our finances, and bringing our expenditure nd income together. Here, however, he ad begun at the wrong end. He should ave begun first with finance, and from hat have proceeded to paper. In this ountry every thing was done by funding. The mass of the evil was to be found in he national debt, and not in the circulating medium. No person could look at 24 milions being the amount of Bank paper in irculation with any degree of apprehenion; all we had any right to look to with pprehension was this mass of national debt. Till he saw the attention of parliament called to our finance system, he could not think the country safe; but if we set ealously about it, the object might yet be ccomplished with comparatively trifling acrifices.

Mr. *Sharp* felt it incumbent on him, as a member of the Bullion Committee, to escue himself and the Committee from the general accusation of a retrocession from he opinions contained in the Report. In no single instance did such a retrocession exist. A much more serious charge had lso been preferred against them, namely, hat of having so disregarded all moral considerations, as to treat with lightness he perjury which, in the fulfilment of heir duty, they were compelled to state existed in the transactions connected with he exportation of gold bullion from the kingdom. It was rather extraordinary, hat a charge like this, wholly unfounded n its nature, should have proceeded from he Vice-President of that very board (the Board of Trade), under which licences were granted, which could be of no avail o those by whom they were obtained, except through the aid of simulative papers nd perjury. It had been said, that no practical man went to the extent of the opinions expressed in the Bullion Report. He presented himself to the Committee olely in the light of a practical man. Although he was persuaded that the cientific consideration of the question was capable of actual demonstration; yet he would abstain from all theoretical comments, and confine himself to a statement of several facts which it might be imporant for the House to consider. By some t was contended, that the present system, f not absolutely justifiable, ought to be persevered in, because it afforded us the best means of opposing the enemy. What! Were there no means of successfully opposing the enemy but by a currency not founded on true principles? By others the recurrence to what was also allowed by them to be the true principle of circulation was objected to, on the ground that our great foreign expenditure, the extent of our taxation, and the state of our trade, would not permit it. Let the Committee consider the situation of Hamburgh. Was the trade of Hamburgh good? Was she free from taxation? Was she not suffering the most severe and oppressive enactments by which her commerce was nearly annihilated? But, under all these circumstances of distress, Hamburgh had disdained the cowardice of resorting to a fictitious currency; and the consequence was, her exchanges were most favourable. What was the state of Holland? Was not her commerce destroyed? Was she not taxed to the very lips? Was she not exposed to all the severities of a military despotism? Yet Holland had also disdained the cowardice, which having committed, this country was called upon to continue; she had disdained resorting to a fictitious currency, and consequently the exchanges of Holland were favourable. So with regard to Paris. Were the French finances flourishing? Was the trade of France extensive? Was her taxation light? No; but having preserved a real currency, her exchanges were in a good state. It had been said that the exchanges of Great Britain with Sweden were favourable to this country. This was a fallacious assertion; for on inquiry, he found that the exchanges of Sweden with Hamburgh were 30 per cent. more in favour of Hamburgh, than the exchanges of Sweden with Great Britain were in favour of the latter.—But the depreciation of our currency had been denied. He would again appeal to facts. It had been usual to send over specie to Guernsey to pay our troops there. Each guinea had recently been paid to the soldiers at the rate of twenty-three shillings. One regiment, however, refused to receive them at that rate, and there the matter rested. Again, a person who inherited from a distant relation the sum of a thousand guineas, was lately paid in specie. He went to invest the money in the funds; and on asking the price of 3 per cents. was told 64½. On inquiring, however, at what rate he could obtain the stock if he paid real money for it; he was told, after some consideration, that he might have it for cash at 60; and at that price he actually purchased it. Let parliament be cautious not to allow the proper moment of interference on this most important subject to escape. At present the water was fordable; soon it would be a mighty and impassable sea. A considerable portion of our currency was at present unprotected by law. A great number of dollars had lately been issued, and were still issuing. These would shortly afford the opportunity of extending the practice which had already, in some degree, obtained of making two prices. Parliament would then be compelled to take some measures for the security of the personal liberty of the subject. As had been ably stated by an hon. and learned friend of his last night, although the tender of Bank notes for a debt was a security against a mesne process, it would not prevent an execution. As soon, therefore, as this practice of making two prices should be confirmed and extended, creditors would enforce their legal demand of payment in coin or bullion, and parliament would then be driven to the necessity either of making Bank notes a legal tender, or of adopting the proposition of his hon. and learned friend, under circumstances of encreased embarrassment and difficulty. The House might as well think of stopping the tide at Westminster-bridge, as of stopping the exportation of the coin under the present circumstances.

The hon. gent. concluded by declaring his full assent to the principles laid down in the Report.

The *Chancellor of the Exchequer* observed, that he should consider himself as guilty of an inexcusable neglect of duty, if, holding the situation which he had the honour to hold, he refrained from expressing his sentiments at some period of this important discussion; and he did not conceive that he could seize a more advantageous opportunity than that of following the two hon. gentlemen who had last spoken. The Committee were now in possession of the opinions of two highly respectable individuals, both of extensive knowledge and great practical experience. From the one, they had heard a decided opinion, that there was no remedy for the existing evil, but the adoption of the measure recommended in the Report of the Bullion Committee. From the other, they had heard an opinion as decided, that if the measure recommended in the Report of the Bullion Committee were adopted, it would be impossible for the country longer to carry on those foreign exertions, which, until the present discussion, he was not aware that any one wished should be discontinued. The first of the hon. gentlemen to whom he alluded (Mr. Baring), gave it distinctly as his opinion, that the idea of making the Bank capable of paying in specie by new purchases of bullion was impracticable; and that in the present state of the country it was out of the reach of the Bank to substitute gold for paper currency. The other hon. gent. (Mr. Sharp) said, that nothing but such a measure could save the country from the evils which threatened her. On this difference the question rested. For his part, he agreed with both the hon. gentlemen that the subject was of the utmost importance, intimately connected as it was with the honour and interests of the empire. He was satisfied, whether parliament did or did not countenance that which he thought as absurd as the first hon. gent. thought it was impracticable; that if they adopted the Resolutions of the hon. and learned gent. opposite, such an adoption would be tantamount to a declaration that they would no longer continue those foreign exertions which they had hitherto considered as indispensable to the security of the country.

He begged to be by no means understood, that he considered the question could be discussed without a distinct reference to the circumstances of the country, and he had, therefore, felt great astonishment at the manner in which an hon. friend of his (Mr. Huskisson) had divested it of all such reference. It was not his wish to go much into detail on the subject; but it was necessary that he should explain his feelings to the Committee, and recall them to the real state of the question before them. He conceived that the proposition of those who advocated the Bullion Report was, that the currency of the country was depreciated; that that depreciation was attributable to the excess of paper; and that the evil resulting was so great as to make it incumbent on parliament to take immediate measures for averting it, which measure must be the reduction of the quantity of paper in circulation.—On the other hand, it was contended that the supporters of the Report advanced no proof of the excess of the general circulation of the country, nor any proof of the depreciation (in the sense in which they under-ood the word) of that currency; but at what they substituted for direct and gitimate proofs, was capable of being exlained by other circumstances which the ullion Committee had certainly not kept uite out of sight in their Report, but on hich they had nearly touched, and then fected to consider them as unimportant. uch was the state of the question which e would now proceed to consider.

In the first place, he asserted that there ad been no proof given of our existing xcess of currency. Of this term "exess," as well as of some other terms, it as necessary to know the precise meang intended to be affixed to it. Excess eyond what? His interpretation was, at there had been no excess beyond hat he conceived absolutely necessary r the circulation of the wealth and reenues of the country. No proof had een advanced of an existing excess of irculation beyond the circulation which xisted at the period of the suspension of ash payments at the Bank. But even if e advocates of the Report could prove at there was an existing numerical xcess of circulation, beyond the circulaon which existed at the period of the uspension of cash payments at the Bank; et if that increase was not beyond what e extended commerce and augmented evenues since that period required, then was no excess. His hon. friend near im seemed to conceive that there was an xisting excess beyond what would have een the state of the currency had that urrency been confined to gold, or to aper immediately convertible into gold. et the Committee consider after the drain f wealth which many years of war must ccasion, what would be the state of ciroulation in a country in which no paper as issued to supply the deficiency. Unuestionably, if things could have gone on n this country without such a supply, the xisting circulation would have been much ess than it was at the present moment. But if for domestic purposes we had ocasion for a circulation as large as the xisting circulation, he then could not alow, situated as the country was in other espects, that the circulation ought to be liminished. He was prepared to expect hat his hon. friend near him would admit hat the circulation could not be excessive, s long as the paper circulated was imnediately convertible into gold; and, onsequently, that there was no excess in ur circulation before the suspension of the cash payments at the Bank. But although this was the opinion of his hon. friend, it was not the opinion of all the members of the Bullion Committee.

The hon. gent. who commenced the discussion of that evening (Mr. Parnell,) contended that the circulation in the year 1797, before the suspension of the cash payments at the Bank, was excessive, and that it was indispensable to reduce our present circulation below the circulation of that period. In his (the Chancellor of the Exchequer's) opinion, however, any attempt to reduce the circulation, and still more to reduce it below what it was in 1797, would be productive of the greatest practical inconveniences. The advantages of a large circulation were the means which it afforded of invigorating agriculture, commerce, and manufactures. Adverting to some of the arguments of his hon. friend near him, he would suppose a case in answer to them. He would suppose a country, possessing a circulation of 60 millions, all in coin, to enter into a war —that this war should continue for four years—and that the expenditure of wealth beyond the balance of foreign trade should be ten millions annually—the circulation would thus be reduced to twenty millions. He would suppose that during the four years an issue of paper was made to the amount of ten millions. The country would therefore possess at the end of the four years war, a circulation (composed of twenty millions of coin and ten millions of paper) of 30 millions instead of 60, as at the commencement. It was evident that but for the issue of paper this country would have possessed but 20 millions of circulation. According to the interpretation of the term "excess," therefore, by his hon. friend, this supposed country would have an excess of ten millions. His hon. friend's notion, therefore, of an excess was not always that it was an increase, but was compatible with the fact of a considerable decrease of circulation, even to a moiety.—This appeared to him to be rather a novel kind of argument. He certainly had not the least doubt, that if paper had not been issued, the currency of the country would not have been so large as it was. In that interpretation of the term, therefore, there was an excess of circulation, though for any thing that had been proved to the contrary, more gold had been taken out of the circulation since the year 1797 than paper had been introduced into it; and this he really believed was the fact. The proposition came to this—whether, in the existing state of affairs, having proceeded for four or five years in a course generally considered as essential to the security and independence of the country, namely, the carrying on of the war by a foreign expenditure to a very considerable amount, it was advisable to supply the domestic deficiency in circulation, which that expenditure must occasion, by a paper currency. This was a plain question of policy. Nothing could be more clear to his understanding than that if the foreign expenditure were deemed necessary, the domestic currency must be considered inseparable from it; for where our foreign commerce was so circumscribed, and we had not the opportunity as in ordinary circumstances, of bringing back the wealth which we expended, the only way to provide the means for a future re-purchase of the coin that now quitted us was by giving a vigour to our agriculture and commerce, to which an increased internal circulation alone was competent.—If this were called an excess, he would say that it was an excess without which we could not carry on the great contest in which we were engaged, as we had hitherto done. In no former war had the expences of the country been so great, or the means of supplying those expences so limited.

The question, therefore, for the Committee to decide upon was, whether or not the country should continue to make the exertions in which she had hitherto persevered. Were the Committee prepared to say that the evil of not having the balance of exchange nicely adjusted was so tremendous as to make it necessary, and, great God! to make it necessary at the present moment, to withdraw from the contest which the country was so gloriously maintaining? The hon. gent. who had last spoken, had done the Committee the favour of giving them a fine opportunity of contemplating what the situation of Great Britain might have been, compared with what it actually was.—He had characterised the conduct, which this country had pursued as absurd and timorous. He had called upon the Committee to look at Hamburgh; to look at Holland. Happy Hamburgh! happy Holland! They, it seemed, had not had the cowardice to imitate the example of Great Britain.—"Sir," exclaimed the Chancellor of the Exchequer, "without any intention of denying that our present situation is one which demands the most serious consideration, I have no hesitation in declaring, notwithstanding the imputation of cowardice on the manner in which the finances of the country have been conducted, that I prefer that situation to the situation in which the prowess of Hamburgh and of Holland have placed them."

So much for the question of excess; now for the question of depreciation. And here again he begged leave to say something on the meaning of the word, as it applied to the currency of the country. Some gentlemen, he conceived, by the term "depreciation," meant that the whole currency of the country was depreciated, gold and paper equally. This opinion had the sanction of high authorities. By the advocates of the Bullion Report the term was not so applied. They thought paper depreciated below coin. There was a strange confusion in the Report, in the reasoning upon which this opinion professed to be founded. The different members of their syllogism were unconnected with each other; and beginning in their premises with a reference to coin, they applied their conclusion exclusively to bullion. This was not quite so logical as might have been expected in a performance affecting such minute accuracy. It was perfectly fair for gentlemen on the other side to contend, for the purpose of maintaining their own propositions, that there was no difference between good gold in coin and gold in bullion; but it certainly was not fair to commence the proposition by a reference to gold in coin, and then, without any notice, to substitute bullion in the room of it. If gentlemen meant merely to maintain the self-evident truth that, abstractedly speaking, an ounce of gold was worth an ounce of gold, he for one would have no difficulty in agreeing with them; but if they meant to say that gold neither acquired nor lost any thing in value, when it was stamped as coin, in comparison with gold in bullion, that was an assertion to which he could by no means accede. What was the extent of the difference, or under what circumstances it might be increased or diminished, was another question; but that there was a difference between gold in coin and gold in bullion, was a point upon which he could hardly think it possible to entertain a doubt, as long as the present system of our coinage laws remained in force. It might be argued, that that system was a bad one, and that it ght to be changed. Some gentlemen d advanced that opinion in effect, if t in terms. They thought that it would wise and politic to remove all the im- diments which the laws at present threw the way of the exportation of our coin. the legislature were to adopt that opi- on, and to repeal all the laws now ex- ing upon the subject, and if the guinea ere to circulate abroad precisely for the me value that it did at home, in that se, and in that case only, would the oposition be true, that there was no fference between gold in coin and gold bullion.

But the question, as it appeared to him, uld only be properly decided by taking e facts as they did really exist, and not some gentlemen might think they ght to exist. Now, what were the real cts of the case ? This country was under e necessity, from the nature of the war which it was from necessity engaged, to rry on extensive military operations road ; and these military operations re- ired that a considerable quantity of gold ould be sent out of the country. By e law, as it now stood, gold in coin could t be applied to this purpose, because at law prohibited, under severe penal- s, the sending it abroad. If, then, gold ust be employed, and we could not send in coin, it followed of course that we ust send it in the shape of bullion. This rcumstance created an increased demand r bullion, and therefore gave it a higher lue than gold in coin. Was it, then, ue, that gold in bars and gold in coin as of the same value ? His hon. friend Ir. Huskisson) certainly had advanced at opinion, and seemed to think that gold as natural money, and of the same value whatever shape ; but the fact was, that in was not of the same value abroad as llion, because it could not be exported ; d bullion was not of the same value at me as coin, because it was not a legal nder.

He therefore contended, that there was proof before the Committee that the per of the Bank of England was depre- ated in the sense in which he understood d had explained that term ; that was to y, that the Bank note bore the same re- ive value to a guinea, that it always did, all the purposes for which a guinea was gally applicable. If the paper of the nk, which was only intended for inter- l circulation, was equal to the guinea nsidered only with a view to internal circulation, for which it was also exclusively intended, then most assuredly the Bank paper could not be said to be depreciated in value. All, therefore, that his hon. friend (Mr. Huskisson) had said about the superior value of a light guinea to a heavy one, which appeared so very ingenious to an hon. gent. opposite to him (Mr. Parnell), had, in fact, no bearing upon the real question. Because, if a guinea from the deficiency of weight was put completely out of circulation, it lost its character of coin, and thereby became bullion ; and then, for the reason he had just stated, it would acquire an additional value.

Much had been said about the word "standard," and some gentlemen on the other side had discovered a strong desire to be facetious upon the subject. Now, if he were asked what he understood by that word ? he should say, that he did not consider gold as a standard or silver as a standard ; but he understood gold and silver bound down by law to a particular and relative value with each other ; not gold alone, but gold tied down to a given relation to silver, which also made part of the general standard.

And here he begged to make an observation or two with regard to the literal accuracy of the first proposition of the hon. gent. If the House were called upon to record a solemn statement of the law of the country, they ought, undoubtedly, to take care that that statement was accurate. Now, the assertion in the Resolution was not strictly true ; it asserted, "That the "only money which can be legally ten- "dered in Great Britain, for any sum above "12*d.* in the whole, is made either of gold "or silver ; and that the weight, standard, "and denomination, at which any such "money is authorised to pass current, is "fixed, under his Majesty's prerogative, "according to law." This was not, strictly speaking, the law ; because silver to the amount of 25*l.* was a legal tender, though it was not of standard weight. Now, as 999 out of every 1,000 payments in this country did not exceed that sum, it would be most improper for parliament to record upon its Journals as a truth, a proposition which was erroneous in such an immense majority of cases. Gentlemen had talked about scales which regulated the silver and gold coin. But with regard to silver, there was no law which said that a shilling should not be current when it was under the standard weight ; on the contrary, up to the extent of *25l.* it might by law be circulated, if not of standard weight. But there was another point to be observed with regard to silver. It was legal to tender, to any amount, shillings at *5s. 2d.* an ounce, yet the price of silver in bullion was *5s. 11d.* an ounce. He mentioned these as facts which certainly ought not to be lost sight of in the consideration of the present question.

He knew how much the patience of the House was exhausted, and therefore he would confine himself as much as he could to the most important points of the case. The really important question, then, for parliament to determine was this, What ought they to do, what, under all the circumstances of the case, would it be wise and politic for them to do? This at least was his view of the object to which their deliberations ought to be directed; and he thought he acted with wisdom in referring to the conduct of our ancestors in circumstances which were considered to be similar to the present, as a guide for our conduct under all the difficulties of the country. He did not differ from those gentlemen who maintained, as an abstract proposition, that a diminution of Bank paper would have a tendency to diminish the balance of exchange; it would probably produce that effect; but it would be at the expence of the most dreadful calamities to the country. The case of the French Bank, at a former period, had been referred to. In that case the Bank had involved itself in difficulties from an over-issue of paper. The directors diminished the quantity of their paper, and the consequence was, that the credit of the Bank was restored; and it was also said, that the diminution of the paper had an effect upon the exchange. The latter part of the statement might be true, but he very much doubted it. The original capital of that Bank was two millions: it had issued paper to the amount of four millions, which had involved it in embarrassments; to relieve which, it withdrew two millions from circulation; and it was not very probable that such a sum could affect the general exchange of France. But the hon. gent. who had adverted to this Bank admitted, that though the narrowing its circulation removed its difficulties, yet it produced very great embarrassments among the commercial part of the community. The Bank, said he, had the courage to narrow its circulation; or, in other words, it had the courage to take care of its own interests, without any regard to those of the community. Was that the principle which he would recommend parliament to adopt in the present instance? But, if the withdrawing of two millions from the circulation in France, had produced such disastrous consequences to her trade, what would be the effect in this country under all the circumstances of the present times, if the Bank of England were to withdraw its paper, paper which it had been said formed the whole circulating medium of the country? Would it not ruin the manufactures? Would it not destroy the agriculture? Would it not dry up all those sources of wealth which enabled this country to make exertions proportioned to the exigencies of the awful period in which we lived? And for what object was parliament to incur the risk of all these dreadful calamities? Why, for the purpose of making an experiment to bring the rate of exchange nearer to par!

But the gentlemen on the other side, in calling upon Parliament to be guided by the wisdom of our ancestors, had referred particularly to the events in 1696 and 1697. If there was any one passage in the Report which excited his astonishment more than another; if there was any one part of it more unguarded, more inaccurate, more unfounded than another, it was that part which referred to the transactions of the period alluded to. Unless he totally misunderstood the question, the case which had been quoted, if it applied at all to the present question, made directly against the arguments of those by whom it had been adduced.—[The Chancellor of the Exchequer here read an extract from that part of the Bullion Report, which stated, that soon after the establishment of the Bank of England its notes were depreciated, and considerable embarrassments ensued; and that those embarrassments had been removed by a new coinage, and by reducing the quantity of Bank notes.*] The two operations then, in the opinion of the Committee, which relieved the Bank in 1696 and 1697, were the coinage, and the diminution of the number of Bank notes, and this was recommended to the notice of the House as a case in point. He begged to observe, however, that if it was a case in point, that that case had occurred when there was no restriction upon the cash payments of the Bank. But it was said there was at that me an excess in the issue of Bank notes. e could hardly believe that the Bank ould so soon after its establishment issue ore notes than were necessary; the real act was not that the Bank had issued more otes than were necessary, but that they ad issued more than their credit would ear. Now, what were the remedies? irst, the coinage. The new coinage cerainly did turn the balance of exchange n our favour, because almost the whole of immediately found its way out of the ountry. In three years not a shilling of t was left in the kingdom; and he begged o observe, that this new coinage cost no ess than between two and three millions. he other remedy applied was the dimiution of the Bank notes. Now, what as the fact? The capital of the Bank riginally was 1,200,000*l.*; in order to elieve its embarrassments, the capital as augmented to two millions, and the ubscription for the additional 800,000*l.* as to be paid four-fifths in Exchequer allies, and one fifth in Bank notes: so ar, therefore, the gentlemen were right; ne fifth of the value of 800,000*l.* in notes as taken out of circulation: but by the ery same operation the Bank were auhorised to issue 800,000*l.* in fresh notes, o that the diminution of paper, which ad produced such beneficial effects, conisted in withdrawing about 160,000*l.* orth of notes, and issuing fresh ones to he value of 800,000*l.*! This was the recedent which the Committee had reommended to be followed in the present nstance, for the purpose of diminishing he quantity of paper in circulation! [The ight hon. gent. then read an extract from indal's continuation of Rapin's History f England, which stated that the great ommercial embarrassments in the reign f king William had been relieved by an ssue of paper. He then took a view of he case of Ireland in 1804, which had een so often alluded to. The evil then omplained of arose, not from excess of aper, but from a want of confidence. hat it was not the effect of an excess of aper was proved, by the circumstance of being cured before any diminution of aper had taken place. Subsequently, here was a small diminution in the paper urrency, and then the exchange became nfavourable to Ireland. He did not ean to say that this was caused by the eduction of paper, though afterwards, hen the issues of paper increased, the xchange was greatly recovered. From the view which he took of the subject, he apprehended that there could be nothing found in the three cases mentioned, those of the Bank of Ireland, the Bank of France, and the Bank of England, that could encourage them to adopt the line of conduct recommended by the Committee.

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* See vol. 17, Appendix, p. ccxxxiv.

It was quite impossible for him to go through all the points on which he could wish to speak: he therefore would confine himself merely to those which it might seem improper for him to pass by Adverting to what had been said with respect to the dollars, he wished to know what those who censured the late proceeding were of opinion should have been done on such an occasion? That a something was necessary to be done, he believed no one could deny; and he had no hesitation in saying that the measure adopted was wisely preferred to any other.

On the subject of the exchanges, there was one point which he wished to bring before the Committee. How was it possible the principle of the Bullion Committee could be right, namely, that the excess and depreciation of Bank paper could occasion all the difficulties which had occurred within the few years which had elapsed since the passing of the Bank Restriction Act? That Act, as they all knew, was made in 1797. No alteration in the exchange was felt for some time; but in the years 1800 and 1801 the scarcity of, and great demand for corn, occasioned a great sensation in the exchanges, and a great increase in the price of bullion. The scarcity, however, which was felt in 1800 and in 1801, ceased in 1802, and the pressure which it had caused ceased also, or at least was diminished in a very considerable degree.

He would now call the attention of the Committee to the eleventh Resolution of his right hon. friend, "That the average price of wheat per quarter in the year 1798, was 50*s.* 3*d.*; in 1799, 67*s.* 5*d.*; in 1800, 113*s.* 7*d.*; in 1801, 118*s.* 3*d.*; and in 1802, 67*s.* 5*d.* That the exchange with Hamburgh was in January 1798, 38. 2.; January 1799, 37. 7.; January 1800, 32.; and January 1801, 29. 8.; being in the whole a fall of 22 per cent. In January 1802, 32. 2.; and December 1802, 34., being in the whole a rise of about 13 per cent." Now, from the history of those five years, and the manner in which the exchanges recovered when the scarcity which had led to the pressure of them had ceased, he thought with an extraordinary foreign expenditure for the last few years, occasioned by the war in Spain, and expences incurred in the Baltic, the effect produced on the exchanges might reasonably be ascribed to causes similar to those from which the evil was known to arise before. The Committee did condescend to admit that these causes might in some measure contribute to the effect produced; but they could not deny this; they would not allow them their due weight. The resumption of cash payments was impossible. Gold could not be procured, and if it could, the Bank would immediately be drained of it, without any advantage to the public; and that proposed as a remedy would but aggravate the evil, and accelerate that it was their most anxious wish to avoid. Under these circumstances, however, the rational resolution proposed by the Committee was, to do away the Bank restriction, which, acting singly, had before produced no sensible effect, in order to get out of the difficulty; while those causes which were known to have given birth to it before, were to be disregarded, though they had been felt for three years, and were still increasing in force. If this were rational, he confessed his capacity was not framed to understand it. If such a measure were unhappily adopted, it might restore the balance of trade, but it would destroy the foundation of the country, and render it impossible to continue that contest which all were agreed ought not now to be relinquished.

From what had been heard in the course of the debate, it was clearer than ever that what was recommended by the Committee was not practicable; and if it were practicable, that it would be most ruinous. It had been said, that the proposed line of conduct ought to be pursued, in justice to the public creditors; but if a proposition were adopted which would ruin the country, he thought it was not very likely that it would then find itself in a situation to do justice to its creditors. The state in which we were placed at present, was one which, if it rendered us unable to do them justice, was one which had resulted from unforeseen circumstances growing out of the adoption of a line of conduct which was indispensably necessary to the salvation of the country. Would it now be justice, with their eyes open, for the House to take a step which must eventually be prejudicial to the interest of the creditor, and most injurious to the community at large? Were those who had made contracts to be subjected to ruin by the adoption of a new system?

Having now stated, not all that he could have wished to have said, but that which appeared to him of greatest importance, he now came to this conclusion; that the measure proposed was a measure which, if adopted, would be adopted without proof of its necessity or expediency, against the evidence on which it was founded, and contrary to the example of former times; and that the House, in adopting it, would disgrace themselves for ever, by becoming the voluntary instruments of their country's ruin.

Mr. *Canning* rose and said:

Mr. Lushington; After the ample discussion which this question has undergone, I rise, Sir, not in the presumption that I am able to add any thing to the information which the Committee has already received from gentlemen the best qualified by their talents and their acquirements, by their professional pursuits and their official situations, to throw light upon the subject in all its principles and details; but simply for the purpose of stating the grounds of my own vote upon the several propositions which are submitted to our consideration.

In discharging this duty—a duty which I feel to be incumbent upon me as a member of parliament—I beg to be considered as speaking in that character only; as delivering freely and honestly a sincere and unbiassed opinion, upon a question so important, that I did not think myself at liberty to let it pass without forming, to the best of my judgment, some opinion upon it; as neither adopting nor countenancing the prejudices of any set of men whatever; as neither the advocate nor the antagonist of the Bullion Committee; neither the advocate nor the antagonist of the Bank.

With respect to both those bodies, I firmly believe, that they have, each according to their measure, performed conscientiously a very difficult duty.

Of the Bank it is always to be remembered, that the condition in which they have found themselves, has been none of their own seeking; that the original restriction, in 1797, was imposed upon them by parliament; upon their own showing indeed of their difficulties—difficulties, owever, arising out of circumstances over vhich the Bank had no controul; and hat the restriction was renewed after they ad declared their readiness to resume heir payments in cash. Of the necessity f the first restriction I have no doubt: of he policy of the terms upon which it was ast renewed I certainly entertain great loubts; but the error of that policy, whatver it may have been, is not justly to be isited on the Bank. Placed as the direcors of the Bank have been by the effect f that last renewal, and by the events vhich have since occurred, in a situation erfectly novel; having, from the mere nanagers of the affairs of a great money orporation, become, by the force of ircumstances, the sole issuers and reguators of the whole currency of the counry; it is surely not to be wondered at hat in such a situation they may have ound the maxims of their original and abitual occupation either inapplicable to heir new and enlarged sphere of action, r insufficient for it; and may have comnitted mistakes in the exercise of one of he highest prerogatives of the sovereign, vhich they would easily have avoided in onducting the concerns of their contituents. If they have fallen into such rrors, I am not inclined to blame them. would correct the errors, but without mputation on the men.

On the other hand, I must as fairly onfess that I think the Bullion Committee as been hardly dealt with in the course f these discussions. A stranger who had lerived his only knowledge of the case rom the debates of the two last nights, vould almost have been led to imagine hat the Bullion Committee was some trange and self-erected power, wholly xtrinsic to the constitution, and indeendent of the controul of this House; vho without commission and without proocation had thought fit to intermeddle in he affairs of the Government and of the Bank, and to attempt the subversion of a ystem not only eminently beneficial, but onfessedly without fault, without mischief, nd without danger; a system with which ll the world was perfectly satisfied in all ts parts, until this officious Committee hought fit to disturb the general satisfacion. But what is the true history of this roceeding?—A Committee was appointd last year by the House of Commons, to nquire into the causes of the high price f gold bullion, and into the state of the oreign exchanges and of the currency of the country. They took these subjects into their consideration: they brought to that consideration talents, and information, such as have rarely been collected together in any one Committee of this House; and they bestowed upon it (that praise no man denies to the Committee) unremitted diligence and labour. The result of their investigations they submitted to the House, according to its injunction, and to their duty.—And because that result was to some persons unexpected and is to others unpalatable, are we therefore justified in turning round upon the Committee of our own appointment, and rebuking them for the execution of the task which we had imposed upon them?—What would we have had them do? refuse the task allotted to them by the House?—or decline to render an account of the inquiries which we had ordered them to institute?—Or would we have had them fashion their Report, in spite of their own conviction, to the creed or the convenience of any persons or party, and recommend only whatever might best flatter our prejudices, and justify our inaction?

If such were our wish, why was the Committee named? Why was not the proposal for its appointment rejected, or at least opposed? I was in the House on the day when it was proposed; and, so far as I recollect, not a single voice was raised against it. If the subject did not require investigation, it was idle, and not only idle, but mischievous, to set the investigation on foot. If it was apprehended that the possible or probable result might be prejudicial to the interests of the country, then was the time to stop. It would then have been perfectly easy to do so. A single word, the intimation of a doubt from any quarter of the House might, at that moment, have checked the proceeding. But to institute an inquiry upon a matter of great difficulty, with a pre-determination to come to but one conclusion, is neither very creditable to those who appoint, nor very just to those who are appointed, the conductors of it.

Although I do not go with the Committee (as I shall presently have occasion to explain) to the length of their practical conclusion; and although the details of this intricate and perplexing subject are as little agreeable to my taste, or habits, as to those of any person in the House;—although I would as gladly as any body have turned aside from the task of examining the reasonings and deductions the Report;—yet I cannot in justice throw upon the members of the Committee the blame of those inconveniences which are inherent in the nature of the subject referred to their inquiry. However much I may dislike the unpleasant truths which are told in the Report, I do not think myself warranted to transfer that dislike to those whose duty it has been to tell them.

The Committee, then, I say, have only done their duty. Nor can we avoid the performance of the duty which now devolves upon ourselves. Distasteful as the matter may be, it is before us, and we must dispose of it.

I do not share in the apprehensions of those persons who predict danger and mischief from this discussion. I have seldom known an instance in which more good than evil has not arisen out of the parliamentary discussion of subjects, however delicate, upon which the public mind had been previously agitated and divided.

As little do I agree with those who think that the discussion must necessarily be barren and useless. Even if it should not terminate (as probably it may not) in the adoption of the practical remedy suggested by the Committee, or in the suggestion of any other in its room, I do not think that the time and the trouble of the House will therefore have been entirely thrown away. The discussion which has already taken place out of doors, renders some decision of this House necessary. In the course of that discussion, the fundamental principles of our whole money system have been disputed and denied;—all that had long been considered as fixed and determinate in them, has been shaken, or at least attempted to be shaken:—a mischief more serious than even that which the Committee has proposed to cure; and one to which a cure may be (and ought to be) administered by the Resolutions of this House, whatever may become of the practical recommendation of the Committee.

Nor is it only out of doors, that these fundamental principles have been questioned. The right hon. gent. opposite to me (Mr. Vansittart,) a gentleman for whom personally I entertain the sincerest respect as well as regard; and whose just reputation for knowledge upon these subjects, entitles his opinions upon them to very peculiar attention, has countenanced by himself adopting it, a mode of reasoning, which has been much employed in the written controversy, but which I had hoped no man in this House, and least of all any man of such extensive information, and such high authority, would have been found to endure, much less to sanction. He has rejected altogether the established doctrine of a fixed standard of the currency of the realm; and, instead of trying the disputed value of our present circulating medium by reference to that which has always hitherto been taken as the settled measure in all such inquiries, he has thought himself at liberty to bend and accommodate the fundamental principles of our money system to the state of our currency, such as he happens to find it.

Others who have supported the right hon. gentleman's Propositions have carried this licence still farther. They have not only considered the principles of all our coinage laws, so far as they relate to the value of our money, as inapplicable to the present state of our currency, but as altogether obsolete. They appear to look upon the law by which Bank paper is made inconvertible into cash, not as an occasional law, growing out of a temporary necessity, and determinable with that necessity, but as a wise and provident contrivance to substitute, absolutely and indefinitely, for the ancient coin of the kingdom, a currency better adapted, in their opinion, to the present state of the world, and to the peculiar exigencies of this country. The suspension of the cash payments of the Bank had hitherto always been treated as a necessary evil; as an expedient, upon which we were forced with reluctance, and of which we had the decency at least to pretend to desire and to anticipate the discontinuance: but, in the view of the subject which has been taken by these supporters of the right hon. gentleman's Propositions, the Bank Restriction is now become the staple resource in our pecuniary system; it is to be avowed as the standing policy of the state, and to be prized as an invention long desired, and now happily found, for supplying boundless exertion with inexhaustible and unexhausting finance.

The decision of the House, therefore, important as it would undoubtedly be, if it should either confirm the recommendation of the Bullion Committee, or substitute in its stead some other practical measure for the termination of the Bank Restriction, will yet be not less (I had almost said will be more) important, if, even re-cting that recommendation, and confirmg the continuance of the restriction, it all nevertheless at the same time regnize the general principles which that ommittee have laid down; and shall searate and distinguish the measure of the striction itself, from the false and danerous arguments by which it has been ot only justified as an expedient, but reommended as a system.

To record principles which are true, d which have been called in question, not of itself an idle nor an unparliamenry practice: and it is no paradox to say, at to record principles is never so much matter of duty as when some over-ruling ecessity obliges us to a practical deparre from them. It then becomes incument upon us to prove that we are acting deed from necessity, not from indiffence, or change of system; to take care at our deviation shall not be made a preedent to be resorted to hereafter on ocasions of less urgency; to provide that e exception shall not be erected into e rule.

This then is the answer which I give to ose who represent the concluding Reolution of the honourable and learned hairman (Mr. Horner,) of the Bullion ommittee, as the only essential object of ur deliberations; and who would perade us, that, if we are not prepared to ecide with him upon the opening of the ank, we have nothing to do with all his reliminary Resolutions but to get rid of em as quickly as possible. I, for one, m not prepared to vote with him for the pening of the Bank; I shall vote against he honourable gentleman's concluding esolution: but I think that, according o all sound and practical views, the quesion, important as it is, whether the Bank hall be opened or shut, sinks into insigificance in comparison with that which as been raised with respect to the priniples upon which the whole money sysem, and consequently the whole credit f the country, essentially depends.

Give me the affirmation by parliament f the first ten Resolutions of the honourble and learned gentleman—those Resoutions which state (and state correctly) he principles of that money system from vhich we have been compelled to depart, nd the effects of our departure from hem; and I would not unwillingly conent to a compromise with the right hon. entleman opposite to me (Mr. Vansittart.) would on that condition adopt the two last of his propositions; adopt them in substance at least,—so far as to agree with him that this is not the moment at which our cash payments can be resumed, or at which the precise period of their resumption can be determined. The right hon. gentleman ought surely to be satisfied with this compromise. His conclusion would, to my mind, even flow more logically from the premises laid down in the Resolutions of the hon. and learned gentleman. I certainly cannot subscribe to it as flowing from his own. I am ready to do as he would have me do, if he will allow me to record the reasons of my concurrence: but it is a concurrence which, I feel, requires explanation and apology; it is a concurrence which, if I do not altogether withhold it, I certainly cannot give, except on the condition, that I shall be at liberty to prove at the same time, that it is given not in consequence of the right hon. gentleman's reasons, but in spite of them.—That our currency is in such a state that the Bank cannot safely open, I agree: but it is hard to insist that I should find every thing right in that state of things which forces me to come to such an agreement.

My right hon. friend, who spoke last, has with great dexterity as well as eloquence endeavoured to divert our attention from the specific object of this night's deliberation, by directing it to those circumstances in the present situation of affairs, at home and abroad, upon which there is scarcely any difference of feeling or opinion. The inordinate ambition and gigantic power of the enemy—the warfare directed by him against our trade and our manufactures; these are topics upon which my right hon. friend has expatiated with a force of statement, and a warmth of language, which do full justice to his argument; and has appealed to us—whether we will wantonly aggravate difficulties already so complicated and so overwhelming? He has availed himself with equal skill of another argument, which he well knows would operate upon my mind with no less force than upon his own, and which, if I could indeed be convinced that it was legitimately applied to the question in the way in which he applies it, would lead me, I will not say to concur in his conclusions, but at least to hesitate in rejecting them. He refers to the recent triumphs of our arms; he places before our eyes the prospect of successes still more splendid; he describes the safety of this country as involved in the war in the Peninsula; and he asks us—how that war is to be maintained? how we are to find the means of keeping on foot that army which has already performed such brilliant achievements, and of seconding the exertions of a commander who has carried the British name to the highest point of military glory? Shall such a contest—a contest for all that is interesting to this country and to Europe—be abandoned? shall lord Wellington be checked in his career? shall Portugal have been liberated only to be again given up to slavery?—shall the hopes of Spain have been revived only to be finally dashed and extinguished? God forbid! My right hon. friend well knows that in calling upon me duly to weigh these considerations, he interposes the surest impediment to any rash decision on my part, by which interests so dear to this country could by possibility be brought into hazard.—He knows that I must put a violence upon myself before I can coolly calculate the real bearing of topics which come home so forcibly to my feelings; before I can dissipate the illusion which they throw round the matter in debate, and examine dispassionately the degree in which they really apply to it.

But I will not pay my right hon. friend so ill a compliment as to suppose that he is not himself perfectly aware, that in thus shaping his argument he has in fact either assumed or omitted the question that is in dispute.—The question is not—whether we shall continue the war in the Peninsula with all our heart, and with all our might? Who doubts, who dissuades that determination? That point might have been assumed, without hazard of contradiction. But my right hon. friend argues that point, as if it were disputed: and assumes without argument that which it was necessary for him to prove: namely, that to the continuance of the war, and of our successes in the peninsula, it is essential that the present system of our currency should remain unchanged. Just as fairly might I assume without argument that a change in our currency is necessary to this same purpose of continuing the war; and then retort upon my right hon. friend his own expostulations against fettering the energies, and cramping the exertions of the country. In either case the point which alone is in dispute, remains to be decided.

Why is the continuance of the present system of currency essential to the continuance of the war? Is it because that currency is in a sound state? or that, being depreciated, a depreciated currency is the best instrument of foreign exertion? Which of these two propositions is it that my right hon. friend intends to maintain? I ask this question with the more earnestness, because throughout the whole of his speech, long, able, and eloquent as it was, I watched in vain for any sentence which distinctly expressed an opinion upon either of them. I did not hear him affirm that the currency was sound; I did not hear him admit that it was depreciated; he always stopped short of this affirmation and of this admission; and if any distinct proposition could be collected and embodied out of those topics with which he endeavoured to cover these simple questions, it seemed at most to amount to nothing more than this—that it was best to go on as we are, avoiding all inquiry on the subject.

To that proposition (if that be the proposition which my right hon. friend means to maintain)—I answer, that it comes too late. The period for acting upon that policy passed by when the House consented to the appointment of the Bullion Committee.

To the question, how shall our military exertions be best supported? I reply—By supporting the credit of the country; by ascertaining the soundness of our currency, if it be sound;—by ascertaining the degree of its defect, if it be defective; with a view in the one case to apply a remedy so far as a remedy may be applicable; and in the other to fix and settle the public opinion, which of itself is no small ingredient in the financial resources of a state.

I have no right, and certainly full as little desire, to impute to my right hon. friend that he is avowedly the advocate of a depreciated currency: but this debate would end most unsatisfactorily for the public as well as for the House, if it were to end without its being clearly understood on what precise grounds my right hon. friend thinks the present state of our currency such as it ought to be.—First, whether he thinks it is not depreciated; secondly, whether, admitting it to be depreciated, he considers the depreciation as incurable, and therefore only would take no step to cure it; or thirdly, whether he concurs with those who see in that depreciation a fertile source of wealth and blessings to the country;—these,

ter all, are the points in dispute:—and
ese points my right hon. friend appears
me to have studiously avoided.

Even in that part of his speech in which
approached the nearest to the question
depreciation, my right hon. friend so
anaged the course of his argument as to
ake it impossible that he should arrive at
y definite conclusion.—With a sem-
ance of candour which seemed as if he
d adopted an inverted mode of rea-
ning as the best calculated in this par-
ular instance for discovering the truth,
begins with examining the question of
cess.—"Prove," says my right hon.
iend, "that there exists an excess, and
en I will be ready to go with you into
inquiry whether that excess has pro-
ıced depreciation?"—Now it can not be
cessary to remind my right hon. friend,
at to reason from effect to cause has
ways been the course of sound philoso-
ıy.—The Committee affirms the ex-
ence of depreciation; and, as that de-
eciation cannot arise from any doubt of
e solidity of the Bank—of its ability to
eet its engagements, they attribute it (un-
swerably, as appears to me) to exces-
ve issue. "Prove this excessive issue,"
ys my right hon. friend. But how is
sitive excess (if I may use that expres-
on) susceptible of proof? How is it pos-
ole to prove, that too many bank-notes
e issued, so long as there is a single ap-
icant willing to receive them? The com-
rison of the amount of bank-notes in cir-
lation with that of the aggregate pe-
niary transactions of the community
ould of itself afford no certain criterion
the sufficiency or excess of that circula-
n—even if it were possible to state that
mparison with any thing like accuracy.
ıt who shall pretend to state the actual
gregate amount of all the pecuniary
ınsactions of the community? So far as
pretty general increase of prices is any
mptom of excessive currency, that
mptom undeniably exists.—But I ac-
owledge it to be no more than a
mptom.—I admit further that the mere
ount of bank paper in circulation, how-
er large it may be, does not of itself
cessarily constitute excess. I admit
at there is not excess, unless there be
preciation. Whether depreciation does
ist or not, is, therefore, the question
ich must necessarily have the prece-
ncy in our examination.

The right hon. gent. opposite to me
Ir. Vansittart), when he opened his counter-propositions to the House, put, to my hon. friend near me, (Mr. Huskisson,) the question—"What do you mean by depreciation?"—He put this question, rather irregularly, in the middle of his own speech; and seemed to think it matter of triumph that he did not receive, at that moment, an answer in a single word. An answer he has, however, since received, and I should imagine (in one sense at least) to his complete satisfaction. "By depreciation, do you mean discredit?" said the right hon. gent. If by discredit, the right hon. gent. means a doubt of the solidity of the Bank,—a doubt whether the outstanding demands upon the Bank do not exceed the amount of their assets, —unquestionably no such doubt exists, and consequently "discredit" enters for nothing into the "depreciation" of Bank of England paper.

But when the right hon. gent. has obtained this concession, it appears to me that he has obtained nothing at all towards overthrowing the arguments his antagonists, or towards establishing his own. For the same concession would be equally true with respect to a paper currency which should represent to its full amount the whole moveable and immoveable property of the country. There would be assets in existence adequate to the redemption of that paper. Of a paper issued to such an amount, although resting on such unquestionable security, it is probable that my right hon. friend, who spoke last, would not dispute the excess; yet how could that excess be indicated except by depreciation?—That depreciation, in the case which I have supposed, the right hon. gent. (Mr. Vansittart) could not deny; but he must acknowledge that it would arise from other causes than discredit. The argument, therefore, or rather the suggestion (for it has not been distinctly argued), that there can be no depreciation unless arising from or accompanied with, discredit: and the inference which is covertly insinuated, that they who affirm bank notes to be depreciated, intend to attack the credit of the Bank,—entirely fall to the ground.

The alledged depreciation of Bank-notes consists in this—that, whereas they did in fact represent heretofore the real as well as the nominal value of the coin which constitutes our lawful money, they now represent its nominal value only. This is the answer to the question of the right hon. gent.

In return, my hon. friend proposed a question to the right hon. gent., to which I think he has not yet given any answer. "If you affirm," said my hon. friend, "what I deny, the equivalency of Bank-notes to money, tell me, What is the common standard by which you measure that equivalency?" This question the right hon. gent. has altogether evaded. He has given no answer to it.—Does he mean to acquiesce in those which have been given for him by others who have taken the same side with him in this debate, or by some fanciful writers, who, under the guise and garb of practical men, have indulged themselves in the wildest theories and imaginations, upon this subject of the standard?

"The coin," (says a noble lord, who spoke last night) "is (or was) the standard of the paper." But this description does not advance us a single step; for the question still remains, "What is the standard of the coin? What is that common measure to which coin and paper may be equally referred for the purpose of ascertaining their agreement, or disagreement, with it, and with each other?"

The noble lord (Castlereagh) has indeed devised a singular definition of this measure, in which I should be exceedingly curious to know whether the right hon. gent. concurs. He defines it to be "a sense of value in reference to currency as compared with commodities."—I hope I do not misquote him. To the best of my recollection, these were the very words—"A sense of value!" But whose sense? with whom is it to originate? and how is it to be communicated to others: who is to promulgate, who is to acknowledge, or who is to enforce it? How is it to be defined? and how is it to be regulated? What ingenuity shall calculate, or what authority controul its fluctuation?—Is the "sense" of to-day the same as that of yesterday, and will it be unchanged to-morrow?—It does fill me with astonishment that any man, of an accurate and reasoning mind, should not perceive that this wild and dangerous principle (if principle it can be called) would throw loose all the transactions of private life—all contracts and pecuniary bargains—by leaving them to be measured from day to day, and from hour to hour, by no other rule than that of the fancies and interests of each individual conflicting with the fancies and interests of his neighbour.

A "sense of value!"—It is not many days since an experiment was tried upon this "sense," which may serve to illustrate the probable course of its operations, if left exclusively to its own guidance. The artisan who on the Thursday night had exchanged a one-pound note with his neighbour for four dollars, found in the morning that he had, insensibly to himself, become two shillings richer by the exchange.—I am not, here, about to inquire whether the Bank were right or wrong in raising the denomination of the dollar; I refer to this operation merely as an illustration of the argument: and I ask, Where would be the end of such operations if every individual's "sense of value" were to be his only guide in his dealings with his neighbours? In this instance the authority of the Bank sanctioned and limited the degree of the rise in the current value of the dollar, or, to put the same thing in other words, the degree of the loss which the Bank-note should sustain in exchange against the dollar.—But is it to be imagined that, if they had merely sanctioned the principle of such alteration, without limiting the degree, two shillings in the pound, or ten per cent. is the precise amount of the rise on the one hand, or of the depreciation on the other, which all the holders of Bank notes, and of dollars respectively, would have agreed to fix by common "sense of value?" Is not such a supposition utterly absurd? Is it not clear that something wholly extrinsic to that capricious "sense," is necessary to regulate the ordinary dealings between man and man; and that the course of those dealings could not be left without a guide, but at the hazard, or the certainty rather, of immediate and inextricable confusion?

If, however, we were persuaded to leave the proportions and prices of all commodities to be adjusted by this "sense of value," we ought at least to be consistent in our theory and practice.—This "sense of value," which is now proposed to be erected into an universal measure, has been occasionally adopted as such by individuals. There is a man now expecting the judgment of the law, whose "sense of value" led him to exchange for guineas a proportion of Bank of England paper, which he considered as no more than an equivalent. Of what crime was this man guilty, but of obeying that natural and instinctive impulse, which the noble Lord is now prepared to set up as a substitute for the standard of our money? If there be nothing more fixed and stable than indiviral feeling, to which the estimate of va-es can be referred, let us at least refrain om punishing the exercise of that indi-dual feeling. If the law shall decline to x a standard measure, it cannot reserve e right of visiting erroneous measure-ent as a crime. This would be an injus-ce like that of the Eastern Monarch who alled upon the Soothsayers to interpret is dream, but refused to tell them the ream of which he required the interpre-ation.

No dream, it must be owned, could be nore extravagant than the visions of those ractical men who have undertaken to re-ine away the standard of the currency of he realm into a pure abstraction. There s indeed something perfectly ludicrous in he inconsistency and injustice with which hey impute a love of abstraction to their pponents, while they are themselves in-lulging in the most wanton departures rom substance and reality. "Beware of bstract theories," say they to the Bullion Committee, when they find fact and law aid down as the foundation of its Report. —"Beware of abstract theories," say they o the honourable and learned chairman of he Committee, when they find in his first even Resolutions nothing like theory or magination; but a clear, concise, a dry nd faithful, recapitulation of those rules which the statutes of the country have es-ablished for the weight and fineness of its oin. Nor has the speech with which that on. and learned gent. introduced and en-orced his Resolutions—a speech which, re-markable as it was for eloquence and abi-ity of every kind, was by nothing so dis-inguished as by its perpetual appeal to cknowledged principles and established aw,—even that speech has not rescued the on. and learned gent. from the imputa-ions of flightiness and romance. The same caution to "beware of abstract theories" is addressed to my hon. friend near me, whose intelligence, whose accuracy, and whose official knowledge, digested and assimilated by a powerful and really practical understanding, make him perhaps of all men the least proper object of such an admonition. And this admonition comes from whom? from the inventors and champions of "abstract currency;"—from those who, after exhausting in vain every attempt to find an earthly substitute for the legal and ancient standard of our money, have divested the pound sterling of all the properties of matter, and pursued it under the name of the "ideal unit," into the regions of non-entity and nonsense!

When the ingenious sophistry of Dr. Berkeley, to prove the non-existence of matter, was quoted to Dr. Johnson, as a fallacy not easy to be refuted, Dr. Johnson stamped his foot with force against a stone, and exclaimed,—'I refute it thus.' Unluckily I know no process of reasoning that can reduce one of these practical men to the necessity of admitting, that a pound sterling is not a creature of the imagination: one cannot appeal even to their senses, because that sense of theirs, which I suppose is the most conversant with this subject, the "sense of value," is enlisted on the other side. But one may appeal from their theories to ancient records, to positive institution, and to existing law. On those authorities, I contend that a certain specified weight of gold or silver, of a certain fineness, is the only definition of a pound sterling, which an Englishman desirous of conforming to the laws of his country, is bound to regard, or to understand.

Here then it is that I should pause for the answer of the right hon. gent. opposite to me to the question of my hon. friend.—Does he admit or deny this definition of standard? does he admit or deny the existence of a standard at this moment conformable to this definition? If he admits it, then it is possible not only to answer his question with respect to the meaning of the word "depreciation," but also to demonstrate that a depreciation, in the sense in which that word is used, does exist. Grant but the lawful standard as the instrument of mensuration, and nothing is more easy than to assign the exact proportion in which coin and bank notes differ in value from each other. But while the right hon. gent. denies the existence of any such instrument, how can he reasonably require that the accuracy of such a measurement should be proved to his satisfaction?

A pound sterling is either $\frac{20}{62}$ of a pound of standard silver; or, $\frac{20}{21}$ of a guinea weighing not less than 5dwts. and 8grs. This is the simple and the only definition which the practice of our ancestors recognizes, and the law of the country allows. Does a one-pound note represent this portion of the precious metals, or does it not? If it does, the legal coin of the country, and the notes of the Bank, are equivalent. If not, either the law is mis-stated, or the depreciation is proved.

"Oh! but," says the right hon. gentleman, "the Bank note represents the coin itself; *quatenus* coin; and has no reference or relation to the quantity of gold or silver which that coin contains." But does not the right hon. gentleman see that it is impossible for him to avail himself of the law in one instance and to deny its operation in the other?—The King's Proclamation confirmed by Act of Parliament has fixed the denomination of the coin; which denomination it is admitted on all hands, the Bank note continues to represent: but the same Act of Parliament has fixed the weight of the coin as the sole and indispensible test of the value which that denomination implies. The law (as the right hon. gentleman well knows) watches with such scrupulous anxiety over the weight of the guinea, as to consider the loss of a single grain as sufficient to destroy its character as a legal coin. When the law evinces this anxiety about weight, is it not a little too much to assume in argument that its only care is denomination?

But what is the proposition for the sake of which this assumption is hazarded?—Not simply that Bank notes are a convenient symbol of coin, but that they are actually equivalent to it. In proof of this equivalency it is contended that the law has bound them together.

First, this argument would prove too much: it would undoubtedly get rid of all the embarrassing considerations of standard, of weight, and of intrinsic value; but, on the other hand, those who maintain it would be involved in absurdities, which even the ingenuity of the right hon. gent. could not reconcile. They would have to maintain, for instance, that in the year 1695, when, previous to the resolution taken to reform the silver coinage, arguments something like those which are now used on the right hon gentleman's side of the question, prevailed upon the legislature to try the experiment of a statute by which it was made penal to receive or tender the unclipped coin at any higher price than the clipped coin,—they would have to maintain, I say, that from the passing of that act, the clipped and unclipped coin of the country became precisely equivalent; in other words, that an ounce of silver in the one became, by the operation of the statute, equal to an ounce and a quarter of the same silver in the other. Unquestionably this cannot be what the right hon. gentleman is prepared to maintain as true; though I must admit, on the other hand, that a subject of this country might at that time have been punished for acting as if he thought it false. But is the relation which was thus produced by law between two things obviously of different values, equivalency? Or is it to be imagined, that so forced and unnatural a state of things, call it by what name you will, could be maintained by any law,—that any law could continue long in force whose purpose it was to maintain it? The consequence of this state of things in 1695, was the disappearance, that is to say, the hoarding, the melting, or the exportation of the perfect coin: the further consequence was, that, after a short trial of the compulsory law, Parliament found itself obliged to go to the root of the evil, and to reform the depreciated part of the currency.

But moreover the right hon. gentleman's assertion of the equivalency of coin and Bank notes, is in direct contradiction with admissions of his own. In the course of this debate he has admitted, (though others have denied) that in the year 1804 the paper of the Bank of Ireland was depreciated. I might here ask him in what sense he understands the word depreciated when he so applies it: and he would have to answer me as it has been answered to him, that the Irish Bank note did not then represent the intrinsic value of the coin with which it was interchangeable.

This is a most important admission on the part of the right hon. gentleman; and it has a bearing upon the present question, of which one would almost apprehend he could not have been aware, but which nevertheless he will find it difficult to deny. The premium, as I understand, in 1804, was about 1*s.* 6*d.* on the guinea. At that period Irish Bank paper, as interchangeable with English, was at a discount which pretty nearly corresponded with its depreciation in reference to the coin. The premium now openly paid in Ireland upon guineas is from 3*s.* 6*d.* to 4*s.* But Irish Bank paper is now exchangeable with English nearly at par. Whence is it that English Bank paper, which had an advantage over Irish Bank paper in 1804, when Irish paper was depreciated only about seven and a half per cent. should be now nearly on a par with it, when it is confessedly depreciated almost twenty per cent.? If indeed English Bank paper has suffered a depreciation to the same amount, this phænomenon is perfectly intelligible: but upon the hypothesis of the perfect ad unchanged equivalency of English ank paper and coin, it admits of no solu-on.

To my mind, I do confess, here is one ecisive proof of depreciation.

But, is not the case of the dollar, (to hich I have had occasion to refer with nother view in a former part of the ar-ument), itself a conclusive proof, not nly of the existence of a depreciation of Bank paper, but of the opinion of the Bank, and of the government, that such epreciation does exist? Why was the Bank note, which was equivalent to four dol-ars on one day; worth two shillings less than our dollars the next? Those who claim to hemselves exclusively the title of practical nen, take a subtle distinction, and say, hat it is not the Bank note which is worth ess, but the dollar which is worth more: nd they treat as theorists and visionaries ll whose faculties do not enable them to nter into this distinction. But however he variation arose, why did the govern-nent and the Bank think it necessary to anction and promulgate it?—Why? but because the dollar, being a coin circulating n this country by sufferance only, a cur-ency of convention, would, according to he admission, or rather the declaration of he Bank, under the authority of the privy council, have been driven out of circulation, hat is to say, would have been hoarded or nelted or exported, if it had not been al-owed to pass at the marketable value of he silver which it contains.

With this example before their eyes,—vith this admission and declaration still ecent before the eyes of the public, there are yet some persons who contend, that he disappearance of our legal coin—the guinea—is no proof of the depreciation of Bank notes, in respect to that coin; but s entirely owing to the balance of trade nd of payments, and to the wiles of our nveterate enemy. The Bank note, which, onfronted with the dollar, shrunk from wenty to eighteen shillings, preserves, as hey affirm, in face of the guinea, an unaltered, and unalterable equivalency.—And what is it, according to their theory, hat occasions this peculiarity? The law. —The law, which does what?—The law, vhich makes it criminal (if indeed it be riminal) to exchange the guinea for more han its denominative value in Bank-otes; and which prohibits the exporta-ion of the legal coin of the realm.

Let us see what is the mode in which hese powerful and beneficial laws are now actually operating. The result which they were intended to obtain confessedly was to keep our legal coin at home and to maintain it in circulation. The result actually is, that such coin has vanished from domestic circulation, and that it is exported to all parts of the world. The dollars were sent into circulation, unprotected by any law which should prevent their exportation to foreign countries: for a time they circulated in abundance; at length they began to disappear. By what process has it been attempted, and successfully, to check their disappearance? By the same process which is so wisely contrived to prevent the disappearance of guineas? By forbidding more to be given for them, than they had hitherto been exchanged for in Bank-notes? No—but by a precisely contrary process—by allowing the dollars to pass at, or above their value. The consequence is, a continued circulation of dollars in this country, in spite of the balance of trade and of the wiles of the enemy.

Here then are two metallic currencies, one of which continues in circulation, while the other vanishes from it. The distinctive differences between them are, First, that of one the exportation is permitted, and of the other prohibited. I acknowledge the perversity of human nature, and its proneness to do what is forbidden; but I cannot think that principle alone sufficient to account for the exportation of the coin, which it is illegal to export, and for the continuance in circulation of that which might be exported without offence. Secondly, the one is exchangeable for its full marketable value in our domestic currency, whereas the law enforces (or is supposed to enforce) the exchange of the other at no more than its denominative rate. The bank-note is the common measure both of the guinea and of the dollar, of the exportable and unexportable coin: the guinea it is allowed by law to measure only according to its denomination; the dollar, by the ordinance of the Bank, it is allowed to measure according to its marketable value. What is the result? The coin, which is by law unexportable, flies to another market, while the exportable remains at home.

But let it, for argument's sake, be conceded that the rise of the dollar is not a proof of depreciation in the bank-note. —It follows then that if the bank-note, which would heretofore have purchased four dollars, is not depreciated in respect to the dollar because it is now obliged to call in two shillings to its aid in order to make the same purchase, neither would the bank-note, which heretofore purchased a guinea with the aid of one shilling only, be depreciated in respect to the guinea, if it should now be allowed to make the same purchase with the aid of four or five shillings. I think I may defy the most practical of men to quarrel with this proposition.

Well then—if this be so—and if it be indeed an object to keep our guineas at home, why is not the operation, which has been so successful with respect to the dollar, applied to the guinea? What difference is there in the principle? and what difference in the practical policy of the transaction, but such as would preponderate in favour of the guinea? If it be answered, "that the guinea is a legal coin, which the dollar is not; that the dollar might be treated as arbitrarily and unceremoniously as we pleased, but that the same experiment could not be tried upon the guinea without an alteration of the law, and that alterations of the law are dangerous." I reply, that the law is much less in our way on this point than gentlemen seem to apprehend. It is true that the dollar is a foreign coin of which our laws take no specific cognizance; but it is equally true that there is another coin in the country, not a legal coin,—a coin of which the law takes no notice except to put it out of its protection; which no man is obliged, or even permitted, to receive from another in payment; which in short is as completely devoid of the qualities of British coin as the dollar, and indeed more completely so, since it is expressly stripped of those qualities by statute.—Now, if such a coin as this can be found, where is the harm of trying upon it the same experiment which has been so happily applied to the dollar; especially if it be, as fortunately it is, a gold coin, and therefore capable of supplying that share which dollars do not supply, towards the completement of a metallic circulation? The coin to which I allude, is one which my hon. friend near me (Mr. Huskisson) is accused of having treated in his pamphlet with exaggerated respect, but which in the course of this debate has, I think, been too much disparaged.—I mean the light guinea.

The light guinea is not, any more than the dollar, a legal coin. A guinea having arrived by wear at a certain degree of lightness, is at once divested by law of all its qualities of coin, and is reduced to its intrinsic value, whatever that may be, as bullion. It happens, to be sure, at the present moment, that this reduction, as measured in bank notes, is a promotion. But that is equally true in respect to the dollar. The rate at which the dollar now passes is not only higher than it was some time ago; but higher than that which it bears, from its intrinsic value, in comparison with the legal coin of the country. Whether it was right to raise the denomination of the dollar, I do not think it necessary to give an opinion:—that is done. But upon the principle, whatever it was, on which the denomination of the dollar was raised, there can surely be no objection to suffering the light guinea to go for what it is worth, and thereby obtaining an anomalous gold currency, to correspond with the anomalous silver currency, each alike independent of the legal coin of the realm.

The legal coin—the guinea of full lawful weight,—would still remain, in the eye of the law, in that of the imagination, and in the argument of the right hon. gent., as the equivalent for bank-notes. It would not often come forth indeed to afford a practical illustration of his argument; but he might continue to enjoy the satisfaction of maintaining, as he does now, as an abstract proposition, that bank-notes and guineas are equivalent in law.

Meantime the advantage derived from the marketableness of light guineas would be, either to retain at least that portion of our metallic circulation at home, or to make the foreigner or the enemy pay its full value for it on exportation.

It is on all hands acknowledged—by the right hon. gent. and his supporters it is earnestly contended—that our gold finds its way out of the country, either in discharge of the balance of payments, or into the coffers of the enemy. That enemy is by some persons represented as sitting like a great spider in the midst of its web, and drawing along the living lines and fibres of his net all the gold of Great Britain into an abyss from which it is never to return.—By what process this can be effected, except by that of a trade of some sort or other, we are not told,—and I am at a loss to conceive. Among all the dangers of the country, many of them, real and formidable, a danger happily more visionary than this was never apprehended by a disordered imagination.

That our gold however goes from us, is generally asserted and believed; and whether by a natural efflux, or by some unheard-of power of magnetic attraction in Buonaparté, is, in regard to the question which we are considering, of little moment. It goes; and we wish to stop it. It can be stopped effectually only by being retained in circulation at home. It can be retained in circulation, (as those who raised the denomination of the dollar, and who gave the reasons which were given for raising it, must of all men be the last to deny), only by allowing it to pass for what it is intrinsically worth, or what it will fetch in the market.

Here, however, I shall be met by an argument which has been urged with much vehemence and solemnity by the right hon. gentleman, (Mr. Vansittart) that the law absolutely prohibits the exportation of our coin, and that any reasoning therefore, which is founded upon the supposition of that exportation, is not only incorrect, but is of a most immoral and dangerous tendency, as holding out encouragement to perjury and fraud. Let us examine this argument.

We are all agreed upon the fact, that gold bullion is at a high price in the currency of this country. We are all agreed, that either as the consequence of this high price or as the cause of it, or both, there is a great scarcity of gold bullion in this country. We are all agreed, that the gold coin has nearly vanished from circulation: and nobody doubts, so far as I have heard, and nobody has asserted more strenuously than the right hon. gent. and those who side with him, that this high price and scarcity of bullion, and this vanishing of our gold coin, are infallible indications of a large exportation of gold; of which exportation a large part must, as infallibly, have consisted of coin, either melted or unmelted. Upon these facts, I say, we are all agreed. Now I ask, is it not idle, is it not absurd, to assume, for the purpose of argument, a supposed obedience to the law, which notoriously has no existence; and to deny for the purpose of argument, a fact which is acknowledged by all to be the surest symptom, and contended by many to be the origin and cause, of the evils which have brought us to the necessity of the present discussion? Is it not wholly unworthy an assembly of legislators, to pretend an ignorance in our legislative capacity of that, which every one of us in his individual capacity perfectly believes to be true? Is the existence of a statute which, as we know, is openly violated, and for the most part with impunity, every day in the week, to be pleaded as a bar against any attempt to remedy the evils which confessedly result from its violation?

What then can be more unjust, or more ridiculous, than to represent those persons as countenancing and encouraging perjury and fraud, who only tell you, what you yourselves avow, that perjury and fraud are and have always been committed under your present system of law; and who, inferring that they always will be committed under that system, suggest to you the expediency of amending it? Who are the encouragers of crimes?—they who, finding the existing law notoriously inadequate to counteract the temptation to commit them, propose either to change the law or to remove the temptation;—or they who content themselves with whimpering over the depravity of human nature, and, instead of endeavouring to prevent the commission of the crime, console themselves with the reflection that the mischief to the public is only in proportion to the guilt of the criminal?

He was not an unwise or unjust judge, of whom it is recorded, that

> "He sent the thief, who stole the gold, away,
> "And punish'd him who put it in his way."

Undoubtedly, it is neither wise nor just to place temptations in men's way, which we know, by constant experience, to be sufficient to overpower the positive enactments of law. It is neither politic nor moral to resort on every occasion to the obligation of oaths as supplementary to a defective legislation. This policy unfortunately pervades too many of our statutes; and it is but rarely successful in its object, —never perhaps where considerable gain and great facility conspire to tempt to perjury. The exportation of coin, or of bullion melted from coin, when the exchanges are unfavourable beyond a certain limit, is looked upon as so much in the natural course of things, that most writers, who have treated of coinage and of trade, have laid it down as a consequence not to be disputed, and not even necessary to be proved. According to the concurrent opinions of such writers, the efflux of bullion from one country to another is governed by causes nearly as steady and uniform in their operation, as those which govern the seasons or the tides. As well might you pretend to fix a limit on the shore, and bid the flowing ocean advance no farther, as attempt by the interposition of a statute to stop the tide of the precious metals in whatever direction it is made to flow by the influence of commercial necessity and commercial demand.

The right hon. gent. and those who adopt his views of the present question, acknowledge the force of these principles: they attribute, in fact, the whole of our difficulties to their operation. There is indeed a slight difference of opinion among them as to the cause of the export of our gold; some attributing it to the demand for gold in the market of the continent,—others to the necessity of remitting it from hence, in payment of the balance of trade; but all concurring that, whatever may be the degree in which either of these causes, separately or jointly, operate, the result is an irresistible attraction of the gold of this country to the continent. Is it not, then, with marvellous inconsistency that these same gentlemen oppose the mere existence of a powerless law, and a high-coloured description of the crimes which it occasions and constitutes, as an answer, and the only answer, to those who contend, that, if the evil which the law is intended to prevent, be indeed one which it is important to check,—and if the efflux of our gold be certain, so long as the force of the temptation is stronger than the restraint of the law,—it is necessary, and it would be as wise as humane, either to alter the law, or to diminish the temptation?

I may perhaps be inclined to believe, that the repeal of this law would be in itself no unwise measure. That belief might be supported by the opinion of many able writers and experienced statesmen, and by the example of many of those States in which commerce has been most flourishing, and credit and coin most abundant. I admit that the immediate, the momentary effect of this repeal, (if unaccompanied by any other measure), might be to increase the exportation of our gold, by removing the scruples of such persons as may now perhaps be wavering between temptation on the one hand, and obedience to the law on the other. Even so, however, it would have the benefit of saving all that perjury and fraud, which shock, so justly, the moral feelings of the House; and of extending to the honest trader a convenience which is now exclusively reserved for the dishonest one. But in the long run, I certainly do not believe that the repeal of this law would swell by a single guinea the amount of the export of our gold.

It is true that the repeal of this law alone would not have a necessary tendency to bring gold again into circulation in this country, either by recalling what has been exported, or by enticing what is now hoarded, out of its hiding places. That would be the effect of the other alteration to which I have already alluded—of suspending the law and the proclamation which limit the current rate of the guinea, and permitting it to pass according to its intrinsic value.

I have indeed stated this proposition hitherto only as applicable to the light guinea; of which the purchase, at its intrinsic value, is certainly no infringement either of the letter or the spirit of any existing proclamation or statute. I do not know whether I might, without presumption, say, that the law is by no means clear on this point, even with respect to guineas of full legal weight. Guineas of legal weight, however, I left out of my proposition in the former part of my argument, expressly, as I said, in the hope of conciliating the right hon. gent., by leaving untouched, in respect to guineas of full weight, his proposition, of the equivalency of Bank paper and legal coin. But if the right hon. gent. should be disposed to concur with me at all, I trust, upon reflexion, he would not be prevented from doing so by the contemplation of this trifling advantage to his argument.—If he will consent to let guineas go for what they are worth in the market, he will have a gold currency;—he will prevent the exportation of our coin; he will get rid of fraud and perjury: and all this benefit he will purchase at no greater expence, than that of being one argument out of pocket. It will then, to be sure, be vain for him to contend, against the daily evidence of men's senses, that Bank paper and guineas are, at their present respective denominations, equivalent to each other: but at least we shall have them both, and they may circulate amicably together.

That by no other possible means the coin of the country can be retained in circulation, so long as the precious metal of which it is composed is intrinsically of a value so much higher than the rate at which it is estimated in our currency—is a proposition of which all experience, as well as all reason, establishes the truth.

The present state of the law in the present state of our currency operates, in fact, as a bounty upon the exportation of our coin.

Of the two causes of the export of gold, which are admitted by the right hon. gent. and his friends,—the supposed demand for gold on the continent,—and the supposed necessity for exporting it to set right the balance of our trade,—the first will undoubtedly have an uncontrolled operation, so long as there is no counter-demand for gold in the market at home—so long as the Bank do not purchase, and as no one else purchases here, except for exportation:—the second would, in a natural state of things, find its limit far within the amount of the balance to be set right; it would cease to operate, whenever the scarcity of gold, produced here by exportation, and the plenty produced on the continent by its importation, rendered gold less eligible for transmission abroad than any other merchantable commodity. But this limit it can never find, so long as gold is the only merchantable commodity for which the consumption of this country affords no market.

Independently, however, of these causes, the difference between the real value of the precious metal and that at which it is rated in our currency, would be itself sufficient to ensure us against the continuance of a guinea in circulation. Demand on the continent might be counteracted by demand here; and gold would cease to be a preferable article for transmission abroad, from the moment at which it, like other articles, could be sold for its real value at home. But, imprisoned in the coin, and degraded by its imprisonment, gold has an unconquerable tendency to escape from a situation so unnatural: and it would make its escape from such a situation, even although you did not owe the continent any thing; and although there were no more demand on the continent for gold, than for any other article of merchandize.

But this, I may be told, is the language of theory. Is not the principle, then, recognised by any sober practical authority? Let us hear the statute-book itself. "Whereas it has been a practice," says the preamble to the act 14 Geo. 3, chap. 70, "to export the new and perfect coin of the realm for private advantage, and to the great detriment of the public; and the like practice will continue" (adds this theoretical and visionary preamble) "while pieces differing greatly in weight, are current under the same denomination, and at the same rate of value.——"

The persons who framed this act, and framed it for the express and practical purpose of restoring the credit of our currency, could not be ignorant of the penalties under which the exportation of coin was prohibited: yet we see, that in spite of these penalties, they take for granted as inevitable the "continued" exportation of the coin, so long as the temptation to export it continues. We see further, that in their opinion conformity to standard weight is the distinctive quality by which the value of money is to be estimated. We see lastly, that without any reference to demand for gold on the continent, without any reference to an unfavourable balance of trade, the certain result of an attempt to circulate together, "under the same denomination and at the same rate of value," two descriptions of currency, differing in intrinsic value from each other, is to drive that which is of the higher intrinsic value out of circulation.

This is, in fact, as I understand it, the whole doctrine of the Bullion Committee upon this subject: and so far from having the guilt or the merit of novelty, we find it assumed six-and-thirty years ago, in the preamble of an act of parliament, as a doctrine established and self-evident.

Of this doctrine, thus adopted by Parliament in the year 1774, there is an earlier and not less authoritative recognition in the Report of sir Isaac Newton, in the year 1717; of the existence of which Report I was surprised to hear a right hon. friend of mine (Mr. Rose) declare himself entirely ignorant. A person so distinguished as my right hon. friend unquestionably is by great knowledge and indefatigable research, I should have thought, could hardly have missed a document of such interest and importance, and so immediately bearing upon the subject before us. This Report was made by sir Isaac Newton, in his capacity of Master of the Mint, and is to be found in our Journals, vol. xviii. p. 664.

It is too long for me to trouble the House with reading it: but gentlemen will find, upon looking into it, that upon a reference made to him by the lords of the Treasury, as to the best method of preventing the melting down of the silver coin, sir Isaac Newton represents the temptation to melt and export it, as "arising from the higher price of silver, in other places than in England, in proportion to gold;" that is to say, from the circumstance, that the silver coin, then our standard currency, was, by the regulations of our Mint, exchangeable with the gold coin at a rate somewhat lower than that at which it was exchangeable, as bullion, with gold in the general market of Europe. So small was this difference, that the taking of sixpence from the current rate of the guinea was estimated by sir Isaac Newton as sufficient to cure the evil; and yet, small as this difference was, during its continuance, and by its operation alone, the silver coin of standard weight was daily vanishing from circulation.

In this report of sir Isaac Newton, and in the principles which are laid down in it, is to be found the answer to many of my right hon. friend's (the Chancellor of the Exchequer's) observations upon that part of the Report of the Bullion Committee which refers to the re-coinage of the silver currency in the year 1696. The subsequent disappearance of the new silver coin, is not, as my right hon. friend seemed to insinuate, a proof that the re-coinage at that time had been unadvisedly undertaken; or that it was not the only cure that could be applied to that depreciation of the currency, which Parliament had attempted in vain to remedy (as I have already had occasion to state) by a penal law. It is true that, by a slight error, in the valuation of the two precious metals with respect to each other, the silver coin was rated a small degree below its just proportion to gold; and that, in consequence, it began to disappear not long after the re-coinage was completed. But this technical error does not in any degree vitiate the principles on which the re-coinage had been adopted. It in no degree diminishes or affects the merit of those who had the courage to undertake, and the firmness to carry through that important work, in spite of the prevalence for a time, even in this House, of prejudices very much akin to those of the present day.

Those prejudices were sufficiently strong to defeat for a considerable time the intentions of the government, after they had upon mature deliberation convinced themselves of the absolute necessity of the measure; but the good sense, temper and perseverance of that administration triumphed in the end; and it is no disparagement to my right hon. friend, to recommend the example of the administration of 1696 to his serious consideration.

The war in which king William was then engaged against France, may not have been equal with the present war in magnitude of exertion. Yet if we com pare the means of the country at that pe riod with its present means, and consider the exertions which were then made, it would perhaps be difficult to say that any excuse could be offered now, which was not in a great measure applicable them for sparing, amidst the burthens of war, any internal effort which was not indis pensable. But the restoration of the cur rency to a sound state was then deemed to be indispensable; and the war was considered not as a reason for postponing the required effort, but as an additional reason for making it with as little delay as possible.

The high price of gold was then, as i is now, one striking indication of the de teriorated state of the currency. The in dication might, indeed, be at that tim more undeniable, because, gold not bein then our standard coin, and the guine not being limited by law as to the rate a which it should pass current, the hig price became immediately visible in th gold coin as well as in bullion, the guine being actually exchangeable for as muc as thirty shillings of the clipped silver The unfavourable state of our exchange with foreign countries afforded then, as does now, the other most unerring proo that all was not sound in the currency o this country; a proof of which my righ hon. friend the Chancellor of the Exche quer clearly admits the validity, when h admits that the unfavourableness of th exchange might probably now be co rected by correcting the excess, or (if h objects to the word excess) diminishin the abundance of our paper currenc This admission I understood my rig hon. friend to make in the most unequ vocal terms: not meaning thereby that understood him to admit that it was ad visable to diminish the paper currenc for the sake of correcting the unfavou ableness of the exchange; but simply th such a correction of the exchange woul be the effect of such a diminution paper.

This leads me to consider the subject the exchanges, as it bears upon that depreciation. I shall treat it as concisel as I can: both because I must confes that with all the attention which I hav bestowed upon it, I am perfectly co scious that I have not been able to unrav all the intricacies of the subject; and al because it appears to me, that the whole question as to depreciation is disposed of by the preceding part of the argument, that is to say, by the comparison of currency with bullion. The state of the exchanges may add some illustration to that argument; but is not wanted for the purpose of establishing it.

If that which constitutes the par of exchange between any two countries, be (as, if I am not mistaken, it is) an equal quantity of precious metal in their respective currencies; this definition alone sufficiently shows that, whatever other considerations there may be, whether growing out of law or out of opinion, which regulate and sustain the rate of a currency at home, its value can be estimated abroad by no other criterion than that of the quantity of precious metal for which a specific portion of it is exchangeable. The foreigner knows nothing of the value of the currency of any other country except that a certain portion of that currency represents and will procure in his own country a certain quantity of precious metal.

The question of the exchanges would therefore be as simple as the question of depreciation, if there were not confessedly other causes which operate upon the exchange, and the operation of which may sometimes be concurrent with that of the relative values of the respective currencies, and sometimes may tend to counteract it.

A country which imports from another more than it exports to it of all other articles of commerce, is supposed to make up the difference by a transmission of bullion. In point of fact, this transmission takes place in much fewer instances than the theory supposes: but the necessity of making it either actually or virtually, causes a variation in the rate of exchange in favour of the creditor, and to the disadvantage of the debtor country; the amount of which variation is measured by, and expresses, the cost of making the transmission.

Supposing the currencies of two countries each in a perfectly sound state, any variation from the par of exchange between them can be produced only by the one country having a debt to discharge to the other. Supposing the debts and credits of two countries to be exactly balanced, any variation from the par of exchange between them can only be produced by a depreciation in the currency of one of them. These causes, however, may both exist at the same time: and they may exist either on opposite sides or together; in the one case aggravating, in the other counteracting each other.

A country might be largely in debt to another, and yet, if its currency were sound, and the currency of the creditor country deteriorated, the course of the exchange would exhibit only the difference between the contending effects of such deterioration on the one hand, and such debt on the other:—and it might happen that these effects might be so precisely balanced, as exactly to neutralise each other. But when a country is in the situation of being indebted to another, and at the same time of having a depreciated currency, the depression of the exchange exhibits the combined effect of both causes.

This last may, or may not be, our present situation. For I am far from taking upon myself to assert that the balance of the payments from us to the continent enters for nothing into the amount of the unfavourable exchange against this country. I only deny that it can be the sole cause of that unfavourableness. Still less do I pretend to define the share which this cause may have in producing the effect. But as it is obvious that the depression of the exchange from this cause can never for any great continuance of time very far exceed the expence of transmitting bullion for the liquidation of the balance of payments: as it is not only acknowledged but contended, that bullion for this purpose is in fact transmitted; as the expence of the transmission is perfectly known, in all its several parts of price, freight, and insurance; and as their collective result is notoriously very far within the limits of the actual depression of the exchange; there will remain of that depression a large share to be accounted for, after every deduction that can be made on account of the balance of payments; and that remainder can no otherwise be accounted for, than by the deterioration of our currency.

The state of the exchanges therefore is a proof, though I do not admit it to be a necessary proof,—still less could I allow it to be the test,—of a depreciated currency. I do not admit it to be a necessary proof; because, the price of bullion in the currency is proof sufficient without it. I do not allow it to be the test; because under certain circumstances a currency might be depreciated to a limited degree, without producing a visible depression of the exchange,—nay, it might co-exist with an exchange positively favourable. These cases would arise, whenever the effect produced upon the exchange by the balance of payments in favour of the country whose currency is depreciated in the one case exactly equalled, or in the other exceeded, the degree of the depreciation. But though a depreciation of the currency might thus exist without inducing an unfavourable exchange; a state of the exchange unfavourable to a great degree, and progressively growing worse for a great length of time, is an infallible indication of a depreciated currency.

This is all the use that I think it necessary to make of the arguments to be drawn from the exchanges; and so far as this goes, I cannot understand how any one can doubt as to their bearing. We do not doubt with respect to other countries, that a sound or unsound state of their currency influences the state of their exchanges. When we see the exchanges between Hamburgh or Amsterdam, on the one hand, and Russia or Austria on the other, unfavourable in a great degree to either of the two latter countries, we have no hesitation in at once ascribing that unfavourableness, in great part at least, to a depreciation of its currency.

My right hon. friend the Chancellor of the Exchequer, has taken what I must think not a very fair advantage of an argument of an hon. gent. opposite to me, (Mr. Sharp) when he has represented him as having recommended the general policy of Holland and of Hamburgh as an object of imitation for this country,—because the hon. gent. stated, that by not issuing a paper-money, the currencies of Holland and of Hamburgh had been preserved from depreciation. The hon. gent. certainly did not guard and qualify his statement with all the circumstances which were nevertheless obviously connected, in his mind, with the proposition which he was advancing: but it is quite as clear that nothing but the strong temptation of flying from argument to declamation, could have led my right hon. friend so far to mistake the hon. gent.'s meaning. The meaning of the hon. gent. evidently was not to hold out Holland as having been wise in its submissions and compliances towards France, and as enjoying the reward of her prudent obedience in a state of enviable happiness and prosperity. Still less could he intend (how is it possible that any rational being could be for a moment suspected of intending?) to extol the prowess of Hamburgh:—"prowess" was, I think, the word which my right hon. friend did not disdain to put into the hon. gent.'s mouth, for the sake of making an indignant comment upon it. The scope of the hon. gent.'s argument, I understood to be simply this:—that if Holland, impoverished by an exhausting war, and preyed upon by an exacting despotism,—if Hamburgh, in the very clutches of the French power,—if these unhappy states, stripped of their commerce and independence, could yet maintain their respective currencies undepreciated;—it would seem to follow that a state of war, however expensive and burthensome,—that stagnation of commerce,—that even the oppression of a conquering enemy,—were not sufficient justifications, much less necessary causes, of such a system of currency as that which (according to the hon. gent.'s argument) now existed in this country; and of which my right hon. friend and others seemed prepared to justify the continuance so long at least as the war shall continue, as our commerce shall be embarrassed, and as our enemy shall persevere in his present system of measures. This is what I understood the hon. gent. to contend: and, whatever might be the worth of his argument, it surely was not open to the imputation which my right hon. friend found it convenient to attach to it; as if the hon. gent. had been guilty of the egregious absurdity of proposing for the imitation of this country, the political courage of the Dutch, and the military prowess of the Hamburghers.

I am not, however, disposed to deny the assertion, which my right hon. friend has grounded upon this argument, that inferences are not to be conclusively drawn from the establishments of other countries, whether political or commercial, to our own. The principles of public credit are so much better understood, and so much more religiously observed in this country, the line of separation between the financial operations of the state, and the concerns of the national Bank, confounded too often by arbitrary governments, is here so distinctly marked, that it cannot be doubted but many general propositions are true of paper currencies abroad, which would be utterly inapplicable to the system of the Bank of England.

The depreciation of the Austrian paper money, therefore, which has been cited and commented upon by my hon. friend near me (Mr. Huskisson,) is not precisely an example; it is not a counterpart of our actual situation: but it does afford a most useful warning; it shows how rapidly paper money sinks in value, when once power has been in any degree substituted for confidence; and how tremendously, when once the first impulse has been given, the force of the descent accumulates and increases. The depreciation of Austrian paper was not, in its origin, like that which we are now discussing; there was, in its origin, something of discredit, of a distrust (that is) of the solidity of the funds upon which the paper was issued.

If solidity of funds, however, were alone sufficient to keep up the credit of a paper, even the assignats of France would not have fallen so soon and so rapidly in value. The rulers of France by whom that paper money was coined, affected to be surprised at the depreciation of securities, resting, as they contended, on foundations more solid than those of the Bank of England—and calculated, like the paper of the Bank, to promote the prosperity of the country in which it circulated. Well and wisely did Mr. Burke, when, in the language of an orator, and in the spirit of a prophet, he foreshowed that series and succession of calamities, which the principles of the French revolution, in all its parts, must inevitably produce—well and wisely did he describe those essential qualities of the paper of the Bank of England which constitute its real value.

"They (said he, speaking of the National Assembly) imagine, that our flourishing state in England is owing to Bank paper, and not the Bank paper to the flourishing condition of our commerce, to the solidity of our credit, and to the total exclusion of all idea of power from any part of the transaction. They forget that in England not one shilling of paper money of any description is received but of choice; that the whole had its origin in cash actually deposited; and that it is convertible at pleasure, in an instant, and without the smallest loss, into cash again. Our paper is of value in commerce, because in law it is of none. It is powerful on change, because in Westminster hall it is impotent. In payment of a debt of 20*l.* a creditor may refuse all the paper of the Bank of England. Nor is there among us a single public security, of any quality or nature whatsoever, that is enforced by authority. In fact, it might easily be shown, that our paper wealth, instead of lessening the real coin, has a tendency to increase it; that instead of being a substitute for money, it only facilitates its entry, its exit, and its circulation; that it is the symbol of prosperity, not the badge of distress. Never was a scarcity of cash and an exuberance of paper a subject of complaint in this nation."

These were the characteristics of the paper of the Bank of England, when Mr. Burke contrasted it with the assignats of France. Its convertibility into specie upon demand, was suspended by the act of 1797, on grounds which it is not now necessary to discuss. The suspension was, for a series of years, unattended with any symptoms that indicated depreciation. And it must be our wish, as well as our interest, to believe, (what from reasoning also appears most probable,) that this suspension alone, if not followed up by excessive issue, might have endured, as long as the political circumstances of the state might have rendered its endurance necessary, without producing that effect. But if that effect has been produced, as seems to be established beyond the possibility of contradiction, let us not, instead of attempting to correct it, endeavour rather to palliate its evils, and to reconcile ourselves to its consequences. Even under the change produced by the temporary suspension of cash payments, let us remember, that the essential and fundamental principles upon which the character and the utility of Bank paper rest, are those described in the extract which I have just quoted from Mr. Burke. Let us not, under the pressure of what has been always considered as a temporary necessity, and in the despair of meeting what I trust is no more than a transitory and as yet a curable evil, abjure this language and these doctrines of Mr. Burke, and adopt in their stead the cant and sophistry of those against whom his arguments were directed.

Far be it from me to imagine that between the notes of the Bank of England and the assignats of the National Assembly, there now exists that resemblance of which Mr. Burke in 1791 denied and disproved the existence! But in proportion as I am satisfied that the Bank note is of a different nature from the assignat, in that proportion do I dislike to hear them defended by the same arguments. "*Ce n'est pas l'assignat qui perd, c'est l'argent qui gagne,*" was the motto and the doctrine of a treatise, published in Paris during the reign of the National Assembly, for the purpose of maintaining the credit of assignats, by accounting for the difference between their nominal and exchangeable values. "It is not the Bank note which loses, but the dollar which gains," is the argument by which we have heard the rise in the denomination of the dollar explained: "It is not paper which has fallen, but gold which has risen," is the argument which has filled all the pamphlets and all the speeches which we have read and heard upon this subject. The arguments are identically and undistinguishably the same:—I wish that any of my honourable friends who maintain the undepreciated state of our paper currency, could satisfy me and the country that there is some essential difference in their mode of applying them. I wish they could show me that the doctrine of the French pamphlet might be false, while that of the English pamphlets and of their own speeches is true.

I do not need to be reminded of the many essential differences in the circumstances of the two paper currencies. I am here speaking, not of the causes of depreciation, but simply of the fact. That assignats were discredited in all sorts of ways, no person doubts. But the price of the precious metals in those assignats was, after all, the evidence and the measure of their depreciation. The high price which other commodities bore in assignats, afforded, to be sure, strong suspicions of depreciation; but it proved the fact, and established the degree of that depreciation only as compared with the price for which the same articles could be obtained in gold or silver. I say this to guard myself against the imputation of disparaging Bank notes by comparing them with a currency so notoriously worthless and fraudulent. Paper currencies may be depreciated from various causes which have no resemblance to each other; but whatever be the causes of depreciation, the test of it is in all cases the same.

On all these grounds, I own my entire, though unwilling, conviction—that a depreciation of our paper currency does actually exist;—that the permanently unfavourable state of the exchanges with foreign countries, is an indication—and the long-continued high price of bullion at home, the proof—of it. I can at the same time most truly say, that I shall hold myself infinitely indebted to any man who, by reasoning and argument, by reference to admitted facts and established principles, can bring me back from this most unsatisfactory conviction.—No man set out in the examination of the subject with less disposition to arrive at this conclusion: and no man would more gladly find reasons that could satisfy his own mind for receding from it.

I confess, however, that although I can make full allowance to others for the same unwillingness which I have felt myself, to believe in the fact of an existing depreciation, I am more alarmed than encouraged by the apparent disposition rather to escape from the avowal of this fact, than to controvert it. I cannot see, without concern, the constant flight from the point, at which the controversy really lies, to the war, to the harvest, to Portugal, and to Buonaparté;—in short, to every imaginable topic, except those on which the discussion essentially turns. This may confuse and perplex the argument, by raising a crowd of images with which it has no relation. But as to the point at issue, it seems to me a confession of weakness rather than a display of strength.

Still greater is my apprehension, when I hear what are the motives assigned for continuing the present state of our currency, whatever it may be, rather than making any attempt to decide what that state really is, and, if necessary, to correct or to improve it. Some persons there are indeed so sanguine and extravagant as to deny altogether that either improvement or correction is necessary; or that the ideas which these words convey can be applicable to a system which they consider, not as an evil, but as a benefit. We have been told of "localized" currency, of an "insulated" circulation, as a blessing far out-weighing all the other advantages arising from our peculiar local situation; as something analogous to them; something which was wanting to complete the perfection of our insular character, and which we have fortunately stumbled upon by accident—for I think no man has been hardy enough to say, that we could have or ought to have established it by design.

One hon. gent. (Mr. Baring) only, I think, has gone back to the origin of the Bank Restriction in 1797, and has imputed to the great man who was the author of it, an intention of laying in that measure the foundation of a system of fraudulent finance, and of providing for an indefinite extension of the public expenditure abroad by retrenching the just value of the payment to the public creditor at home. This is the imputation brought forward by that hon. gent.: and, while I fully acquit my right hon. friend (the Chancellor of the Exchequer) of any participation in this sentiment, I cannot but express my regret that he should not have distinctly disclaimed it; especially as he thought proper to bestow such lavish and unqualified commendation upon the speech in which it was contained, and to declare in more large and positive terms than I think he would upon reflection be disposed to confirm, his concurrence in the general views and doctrines of that speech.

But acquitting my right hon. friend altogether of the wildest and most extravagant of the tenets which have been advanced by persons who admit and admire a depreciated currency, I see cause of sufficient alarm in those which he has avowed and maintained. If the causes of the present state of our currency be, as he says, the unfavourable balance of our trade, and the necessary extent of our war expenditure; if so long as those causes continue to operate, gold must, as he contends, continue to flow out of the country; if nothing can contribute to recall it, except a turn of the exchanges in our favour; if that turn can never be produced, except either by the previous turn of the balance of trade in our favour, or by the reduction of our paper currency; if the balance of trade, having been turned against us by the anti-commercial decrees of our enemy, must continue against us till those decrees are repealed; and if, of the only other expedient for correcting the exchanges (viz. the reduction of our paper currency), my right hon. friend, while he admits the efficacy to be probable, denies the application to be possible;—I am afraid the result of this series of propositions, every one of which I collect from the speech of my right hon. friend, is, not only that we have no remedy for the present evil, but that we are likely to arrive at a term, when all our exertions for the safety of the country must cease, from our absolute inability to maintain them.

The precious metals are necessary to feed and sustain our military operations abroad. In all former wars, what went out in bullion for military purposes, was replaced in the course of trade by fresh importations. But now, according to the argument of my right hon. friend, our commerce itself is but another drain for our bullion, and must continue so as long as the enemy pleases. The time, therefore, must come, when the stream, always flowing and never replenished, will be exhausted; and when consequently all the operations, whether of war or of commerce, to which it gave motion, will stand still. This, I beg it may be remembered, is not my statement: it is that which I collect from the speeches of those who profess to see nothing requisite to be set right in the present system of our currency. It would be a statement of complete despair, if there were absolutely no check in nature for the course and progress of the mischief. One check—one only check there is; a check, as I should think, safe as well as effectual. But while we are comforted with hearing from my right hon. friend that such a check might, in his opinion also, be effectual, we hear from him at the same time, that it would be absolute destruction to resort to it.

In addition to these motives of policy, there are, as I have heard this night, not without astonishment and dismay—considerations of justice, which preclude any systematic reduction of the amount of our paper currency. Such a reduction, it is argued, would change the value of existing contracts, and throw into confusion every species of pecuniary transaction, from the rent of the great landed proprietor down to the wages of the peasant and the artisan. Good God! what is this but to say, that the system of irredeemable paper currency must continue for ever? What is it but to say, that the debts incurred, and the contracts entered into, under the old established legal standard of the currency, including the debts and contracts of the state itself, are now to be lopped and squared to a new measure, set up originally as a temporary expedient; and that the sacredness of public faith, and the obligation of legal engagements, are to be conformed to the accidental and fluctuating derangement, and not to the antient and fixed rule, of our currency?

If this be so, there is indeed no hope that we shall ever return to our sound and pristine state.—This objection is of a nature to propagate itself indefinitely. Every day new contracts must necessarily be made; and every day successively (as it is of the essence of depreciation to go on increasing in degree) at rates diverging more and more widely from the real standard from which we have departed. Every day, therefore, must interpose additional impediments to a return to the legal standard. Never did the wildest and most hostile prophesier of ruin to the finances of this country venture to predict that a time should come, when by the avowal of parliament, nominal amount in paper, without reference to any real standard value in gold, would be the payment of the public creditor. But still less could it ever be apprehended that such a system was to be built on the foundations of equity and right;—that it would be considered as unjust to give to the paper creditor the real value of his contracts in gold, but just to compel the creditor who had trusted in gold, to receive for all time to come the nominal amount, whatever that might come to be, of his contract in paper.

This proposition appears to me so monstrous, and shows so plainly to what an extravagant and alarming length we are liable to be hurried, when once we have lost sight of principle and given ourselves up to the guidance of expediency, that I am sure this House ought to lose no time in pronouncing its opinion as to the maxims by which, for centuries, the currency of this country has been preserved in eminent purity and integrity; and in declaring its determination to acknowledge no others in the theory of our money system, and to look to a practical return to that system, not only as advantageous to the state, but as indispensable to its justice and its honour.

For these purposes, it is in my opinion necessary, in the first place, to enter a distinct record of what is, in our opinion, the legal standard of our currency. I know not how this can be done with greater clearness and correctness than by adopting the first Seven of the Resolutions proposed by the honourable and learned chairman of the Bullion Committee.

To these Seven Resolutions are opposed, and for them it is intended to substitute, the first of the Propositions of the right hon. gent. opposite to me.

I should have no hesitation in affirming these first Seven Resolutions, if they stood simply and positively on their own merits: but when I find that we cannot get rid of them without admitting into their place a Proposition so exceptionable as the first Proposition of the right hon. gent., and one which, when admitted, will bring in its train other propositions still more exceptionable—one in particular (I mean the Third) absolutely repugnant (as it seems to me) to common sense; I consider the affirmation of the original Resolutions as doubly important, not only from what it will establish, but for what it will exclude.

This is not the time to discuss the Propositions of the right hon. gent. Otherwise it would be easy to show that the doctrine of his first Proposition, which referring every thing relating to the money of the country exclusively to the prerogative of the crown, states as altogether equal and indifferent the exercise of that prerogative by the will of the crown alone, or with the concurrence of the two Houses of Parliament; that this doctrine, if not absolutely false in principle and in theory, (a question which I will not now discuss) is at least, in any practical view, and to any practical purpose, unsound: it is incomplete, delusive, and dangerous; it states the prerogative, indeed; but does not state it as defined and regulated by law. This, however, is a part only of the objections to the right hon. gent.'s Proposition. There are others which I shall reserve till the moment, if unhappily that moment shall arrive, when it becomes itself the subject of substantive discussion. What I have now said, in my opinion is sufficient to disqualify it as a substitute for the precise and unimpeachable statement of the monetary system of this country as established by the joint authority of the Crown and Parliament, which is contained in the hon. and learned gent.'s first Seven Resolutions.

If I do not go at large into these Resolutions for the purpose of explaining and defending the vote which I shall give in favour of them, it is because in the whole course of this debate I have not heard a single objection urged against them. It is singular that the whole skill of his antagonists should have been exhausted, not in attacking, but in evading his statement;—that of a chain of reasoning which, if it could be loosened in a single link, would, I admit, fall to pieces, not a single link has been attempted to be loosened. It remains entire and unbroken, and connects undisputed premises with an inevitable conclusion.

The eighth and ninth Resolutions of the hon. and learned gent. contain truisms which no man disputes; and which the right hon. gent. in proposing to substitute for them his second Proposition, only makes less completely true by the omission of one essential circumstance. The eighth Resolution states that the notes of the Bank of England are stipulations to pay on demand. The right hon. gent.'s second Proposition omits the 'words on demand.'—Why this omission? It can hardly be accidental; it can hardly be without some meaning: and yet the right hon. gent. so far as I have heard, in the speech with which he introduced his Propositions, did not offer any thing to account for so singular an alteration. Is it possible that he can mean to say, that Bank-notes are not stipulations to pay on demand? It is perfectly true that the restriction law of 1797 suspends the fulfilment of this stipulation, and protects the Bank against the consequences of a refusal to fulfil it: but does not the right hon. gent. see the danger of confounding two things so different as the temporary suspension of the effect of an obligation, and the actual annulment of the obligation itself? I am almost sure that the right hon. gent. must, upon reflection, be aware of the perilous tendency of such a confusion. But in the mean time, forasmuch as a correct and complete definition is preferable to one which is undeniably and dangerously defective, I cannot hesitate to vote for the eighth and ninth of the original Resolutions, to the exclusion of the right hon. gent.'s most unnecessary and most suspicious amendment.

The tenth of the original Resolutions contains a clear, indisputable, and (as I have before described it) inevitable conclusion, from the state of the law, as accurately laid down in the preceding Resolutions, coupled with the notorious and undisputed fact of the high price of bullion. The truth of the averment contained in this Resolution is not directly denied. The dispute is only whether that which is admitted to be true is not nevertheless unfit to be recorded. It is not denied that the exchangeable value of Bank-notes is at this moment considerably less than their denominative value, if those values respectively be measured in gold or silver; but it is disputed whether gold or silver be the fit measure of the value of Bank-notes. This is in effect the whole of the argument, not upon this Resolution only, but upon the whole question in dispute. It is the single point on which all our discussions turn.

I have already discussed this point so much at length, and have so nearly (as I am afraid) exhausted the patient indulgence of the Committee, that I do not think myself at liberty here to recapitulate the arguments upon it. I will content myself with asking of those who maintain a contrary opinion, and particularly of the right hon. gent. (Mr. Vansittart) "If the precious metals, and particularly that one which is the legal standard of the currency of the country, be not the proper measure of the value of that currency—what is?" The right hon. gent. has his answer ready in his third Proposition: and a most curious one it is.—"Public estimation" is, according to the right hon. gent. the true standard measure of the value of a currency; and the common measure of the two parts of a currency as compared with each other. If I felt upon this question with the spirit of a partisan—if I had been a member of the Bullion Committee, and were responsible for their Report, I should say, that the right hon. gentleman's third Proposition was absolutely beyond my hopes. Speaking impartially, I must say, that if I had seen this third Proposition any where but where it is, fairly printed and numbered in the right hon. gentleman's series, I should have thought it an invention of his antagonists, calculated to place the fallacy of his doctrine in the most glaring and ridiculous point of view, but carrying the licence of exaggeration rather beyond pardonable limits, and defeating its purpose, by the grossness of the caricature. I would have taken no other person's word than the right hon. gentleman's own, that he, a man of science, a man of practical knowledge and experience, was the author of this Proposition.

This Proposition, however, is not now regularly before us. I think it absolutely incredible that it should ever be brought before us for our direct consideration and adoption. It is now only to be viewed as the contrast and contradiction of the tenth Resolution of the hon. and learned gent.; as intended to divert us by the prospect of something better from sanctioning that Resolution. And how does it effect that purpose? By showing us that, if we will let that Resolution alone, and not unsettle the public mind by resolving any thing at all about the measurement of the value of Bank-notes, there is already a sufficient rule for the just estimation of their value. What is that rule? "Public estimation." Good. And who is the party whose opinion is to be settled? The public. To whom do they appeal? To the House of Commons.—The public opinion is divided; the public appeal to the House of Commons for judgment; and the House of Commons, after gravely hearing the arguments on both sides, delivers, not its own decision of the question in dispute, but a decree that the opinion of the public has already decided it.

Is this (I do not say) wise, judicious, satisfactory? I ask if it be intelligible; if it be not a mockery of the public; a degradation of our own character, and an abdication of our own functions?

Again I say, I cannot, will not believe that we shall ever be seriously called upon to vote this third Proposition.

But even so, we must not leave this main point of inquiry undetermined, nor our determination upon it unrecorded. The tenth of the original Resolutions contains the just and indisputable inference from the known law and the acknowledged facts of the case. Till the indentures of the Mint be altered, and the statutes which sanction them repealed, definite weight of precious metal constitutes the true standard of our currency. By that standard while it subsists in law, every species of our currency must be measured. Measured by that standard, Bank notes have not at present a value equal to their denomination. Unless the premises can be denied, it is in vain to dispute the conclusion. And this conclusion, if it be true, it is our bounden duty solemnly to record.

These ten Resolutions therefore expound the law of the currency; and establish the fact of the actual depreciation of that part of it, which consists in paper.

Here I confess I should be contented to leave the matter: conceiving that the remedy to be applied to the evil may best be proposed by the executive government; and that the causes of it, though to my mind obvious and manifest, yet are not as capable of certain and demonstrative proof, as the fact of its existence.

I have myself no doubt of the truth of the hon. and learned gent.'s Eleventh Resolution. But I am not prepared to affirm it by my vote. I think that unlike in this respect to those which have preceded it, it asserts more than it proves. And I think it implies a degree of blame upon the Bank, which I am not ready to impute to that body.

When it is stated that the depreciation of bank notes is owing to an excessive issue, and that the excessive issue has been produced by a want of check and controul, it is difficult not to construe such a statement as imputing to the Bank a heavy responsibility both for the excess of their issues, and for a neglect of those precautions by which such excess might have been prevented. But the check and control which are said to have been wanting, may have been, and in point of fact were, in part at least, extrinsic to the Bank. The main check was the payment of their notes in specie upon demand: for the discontinuance of this check the Bank is obviously not responsible. If indeed I could agree with my right honourable friend (the Chancellor of the Exchequer) in considering the question of excess as independent of that of depreciation, and as capable of being satisfactorily proved or disproved otherwise than through the depreciation, I could not affirm the fact of an excessive issue without imputing to the Bank the blame of having intentionally produced that excess. But the check of cash payments once removed—which was, as I apprehend, the only infallible guard against excess, I know of no test by which the Bank could ascertain the fact that their issues had become excessive, except by that of their paper having become depreciated. The degree and the long continuance of the unfavourableness of the exchange strongly indicate—and the high price of bullion incontrovertibly proves,—the depreciation; the depreciation proves the excess.—But such being the order of the demonstration, it is not till the fact of depreciation was established that I could consider that of an excessive issue as proved: and it would not be until such excess should have been persevered in against better knowledge, that I should think it just to animadvert upon the conduct of the Bank in the terms of this Resolution.

Besides, I confess I think it unnecessary. I cannot help being satisfied, that without any specific resolution on the subject of excess, the effect of this debate, should the first ten Resolutions be adopted—nay, I cannot help hoping that the effect of the debate itself,—will be to correct that evil.

For this purpose, however, it is undoubtedly desirable, that the Bank should be disabused of some notions which it appears to entertain, and of others which have been suggested in this debate; at least if those notions are, as they appear to my understanding, entirely erroneous. —"It is impossible that there should be an excess in the issue of bank notes," say the Bank, "because those notes are never issued except upon solid security—the security of real mercantile transactions." Surely, it cannot be necessary to show that although this may be an adequate precaution against loss to the Bank, it is none against an excessive issue. It surely cannot be contended that every mercantile transaction, that is to say, every object of commerce, may be represented to its full value in the paper currency of the country, and represented not once only, but as often as it changes hands, without any inconvenient augmentation of the mass of that currency. A. sells to B. a bale of cloth, or a hogshead of sugar, and receives from B. a bill of exchange payable in two months. Here is a bill founded upon a real mercantile transaction. A. carries B's bill to the Bank for discount; and a bank-note to the amount of the bill is sent into circulation. Next day B. transfers his goods to C. and receives from C. a similar bill of exchange. Here is another bill founded on a real mercantile transaction. Like the former, it is carried to the Bank; and, like it, is the cause of adding a bank note of the same amount to the circulation. Is it not plain that this transaction may be almost indefinitely repeated, till the bale of cloth or the hogshead of sugar is represented an hundred fold in the currency of the country? The security of the Bank is not in the rule of its issue, but in the solvency of the several parties. This may guard their notes against depreciation from discredit; but what tendency has it to secure them from depreciation by excess?

"It is impossible," others have said, "that there should be an excess, when the mass of property to be circulated in this country,—the rents of land, the profits of trade, the expenditure of the State, and the receipt of the revenue,—are grown and daily growing to an amount so much beyond all former experience." "The amount of the circulating medium," it is said, "so far from having increased in a ratio equal to that of these several enormous demands for its employment, bears an infinitely smaller proportion to those demands than it has done at former periods of our history. It cannot therefore be in excess."—This proposition has been much dwelt upon by many gentlemen who have spoken in this debate: and the difficulty of dealing with it lies in this—that on neither side of the comparison are what it assumes as *data*, fixed and certain; that on the one side the total amount of the currency of the country, including paper of all kinds, is necessarily unknown; and on the other side, who is there (as I have before had occasion to ask) that shall pretend to estimate with accuracy the aggregate amount of all the private transactions of the country? The peremptory inference that excess is impossible, is surely not to be drawn with confidence from premises necessarily conjectural.

In one sense, indeed, which, however, I can hardly suppose to be intended, it may be true that there never can be any such thing as excess, or superabundance of currency in a country: it cannot be superabundant if you do not care for its depreciation. Suppose for instance ten millions sufficient to carry on all the transactions of the country—fabricate fifteen millions of paper instead of ten, the whole fifteen will circulate:—the only consequence will be, that the commodities for which it is exchanged will rise fifty per cent. in their nominal price. Make those fifteen millions twenty; the addition will in like manner be absorbed into the enhanced prices of commodities. Excess of currency cannot be proved to the conviction of those who will not admit depreciation to be the proof of it.

But again, if we were to allow the accuracy and certainty of all the *data* that are assumed by those persons who have relied on this argument; to allow whatever amount they please for the pecuniary transactions of the country, public and private; to allow them to fix where they please, the amount of the currency; and to assume that its actual amount at the present moment, consisting, as it does, almost exclusively of paper, is not greater —is even less—than when it consisted in part, and in great part, of gold;—still it would remain for them, before they could infer the impossibility of excess, to show, that there was no improved mode of carrying on the transactions of the country, which facilitated and quickened all pecuniary transfers, and made a less quantity of currency perform what had required a greater amount before; it would remain for them to show that the very substitution of paper for gold did not greatly contribute to this facility; that a bank note of one hundred pounds would not perform in a given space of time an infinitely greater number of operations in exchange of commodities than an equal sum in the more bulky and less transferable shape of guineas.

That these or any other arguments can disprove the possibility of excess, I utterly deny,—and I trust that the Bank has, by this time, ceased to believe. On the other hand, that the existence of excess can be proved by the converse of these arguments, or that any conclusive inference can be drawn from the positive amount of paper in circulation, or from the comparison of that amount, either with the amount of currency in circulation at any former time, or with that of the pecuniary transactions, revenue and expenditure of the country, I do not pretend.

The currency might be increased or diminished in any assignable degree, without affording any inference fairly conclusive upon the point in question, unless that diminution or increase were accompanied by a variation of its value. Whether that value has or has not varied, is therefore the sole question. It is the point from which we must return. And as it is one which is capable of being either proved or disproved directly; they who argue about it analogically, instead of directly, afford a strong indication of their own distrust in the soundness of their reasoning.

That excessive issue has therefore been the cause of depreciation I entertain no doubt. And although for the reasons which I have given, I do not think it necessary to declare this fact in a distinct Resolution, I trust that the statement of principles in those Resolutions which precede, and those which follow, is sufficient to answer every practical purpose of such a declaration.

The twelfth Resolution simply records a fact about which there is no dispute—the unfavourable state of the exchanges.

The thirteenth Resolution attributes this unfavourable state of the exchanges, in a great measure, to the depreciation of the relative value of the currency of this country, as compared with that of other countries; without however excluding the operation of other causes.

The fourteenth declares it to be the duty of the Bank, under the present circumstances, to take the state of foreign exchanges, as well as the price of bullion into their view, in regulating the amount of their issues.

The twelfth Resolution requires no comment.

To the thirteenth and fourteenth, however the right hon. gent. opposite me (Mr. Vansittart) may object, my right hon. friend (the Chancellor of the Exchequer) must agree. He must agree at least, unless he thinks, either that the depreciation of our paper currency is a good thing in itself; or that, being an evil, it is productive of good by which it is more than counterbalanced. He must agree to these Resolutions; for he admits that the reduction of the amount of Bank paper would have a tendency to set right the exchanges. The state of the exchanges therefore is not in his opinion, as it is in that of others, wholly independent of the amount of the Bank issues, and unaffected by it. If the exchanges are affected by the issues of the Bank, and affect in their turn, as they undoubtedly do, and as by some they are thought to do exclusively, the price of gold, and the general commercial interests of the country, the state of the exchanges cannot be altogether a matter of indifference in any question respecting the amount to which the bank issues should be carried. But the Bank have told us distinctly, that they do not advert to the exchanges with a view to regulate their issues. Their reason for not doing so they state to be, that they do not consider the amount of their issues, and the state of the exchanges, as having any connexion, or bearing in any degree upon each other. In this opinion my right honourable friend (the Chancellor of the Exchequer) thinks, as I think, that the Bank is wrong. He must therefore naturally agree with me in the necessity and expediency of correcting their error on this subject. Consequently I can anticipate no objection on his part to the twelfth, thirteenth, and fourteenth Resolutions.

The fifteenth Resolution cannot be opposed by any man, who is not prepared to go the full length of the argument, that excess of paper currency is a thing of itself physically impossible, or who is not desirous of converting the temporary suspension of cash payments into a permanent system. With these exceptions, every man must concur in the opinion, that the convertibility upon demand of paper into coin is the only permanent and certain security against excess in the issue of paper; and must be anxious that this principle, having been called in question, should be unequivocally affirmed. More especially must those persons be anxious for such an affirmation, who are prepared to vote for the last but one of the propositions of the right hon. gent. opposite to me (Mr. Vansittart); in which the expediency of returning to cash payments as quickly as possible, is so clearly and properly recognized. I have already declared that I am one of those who concur in that proposition; and who would not object to voting at the same time for the concluding proposition of the right hon. gent. which declares the inexpediency of reverting to cash payments at the present moment: but to those propositions, the Resolutions of the hon. and learned gent. (Mr. Horner) which I have already discussed, and especially this fifteenth Resolution, appear to me to form the best and most natural introduction.

I now come to the concluding Resolution of the hon. and learned gent., and that with respect to which alone I differ from him to the extent of being compelled to vote against it. Agreeing with him as I do in all the main principles of his argument; admitting as I do, that the evil which he has denounced exists, and that he and his fellow-labourers have traced it to its source; admitting also that it requires remedy; I am certainly bound to explain why I cannot go along with him in his practical conclusion: and I will endeavour to explain myself upon this point, I hope to his satisfaction.

The object of this Resolution is to change the term of the restriction upon cash payments at the Bank; and to ascertain, though not necessarily to shorten, the period of its duration.

I have already said, that throughout the whole of this business, I consider the Bank as entirely passive. The restriction was originally imposed upon them by Parliament. By Parliament it was renewed more than once during the continuance of the former war, after the Bank had declared its readiness to pay in cash;—by Parliament it was re-enacted at the re-commencement of the war;—and with a policy, which I deeply regret, but for which the Bank is no way answerable, was made commensurate in its continuance with the continuance of the war. If therefore the error has prevailed of considering this as a war measure, it is not to the Bank, but to Parliament, that this error ought to be imputed. The Bank was taught by Parliament so to consider the subject; and it is hard to visit upon the Bank, the consequences of our own error.

Nothing can be more obvious, than that, concerning its own interests as a commercial corporation, the Bank may have thought itself not only warranted but obliged to adopt a different course of conduct, with a view to prepare for the resumption of cash payments at a period of six months after a definitive treaty of peace, from that which they would have adopted with a view to a different period, definite in point of time, but independent of the consideration of peace or war. It is possible that, taking the colour of their opinions from Parliament, and considering the war as the cause of the restriction, and peace, whenever it should be made, as certain to supersede the necessity of it, they may have thought that the six months, which are to intervene between the conclusion of the definitive treaty and the call upon them for cash, would be sufficient to enable them to replenish their coffers; however they might have exhausted them in the mean time, by a liberal assistance to government, and however they might have omitted to replace their issues by the purchase of gold in the market. I do not say that such has been the conduct of the Bank: I say, that if such has been their conduct, it is perfectly natural and excusable. We know, indeed, in point of fact, that they have omitted to purchase bullion. I regret this—because I think that continued purchases, on their part, would have tended to keep their notes and the precious metals more nearly on a par. But we have nothing to do with the policy on which the Bank conducts its own private concerns; we have no right to examine into the state of its coffers; and it would be highly improper and mischievous to do so. We had a right to require, before the Bank restriction, payment of their notes in specie on demand: that right we have voluntarily foregone for purposes, and with a view to interests not of the Bank, but of our own; and all that we have now strictly a right to require of the Bank, is that it shall be ready to resume its cash payments at the period which Parliament has fixed for that resumption.

It would, therefore, in my opinion, be unjust to shorten by any compulsory measure the duration, or to change the nature of the term for which the restriction has been enacted.

But I also think the change would be impolitic as well as unjust. I am for adhering to our bargain; although I do not think it a very wise one. I am afraid, that if we proposed to alter it for our own convenience, we should not only not obtain our object, but, by throwing loose the terms of the existing agreement, should risk the non-performance of that agreement when the period for exacting it arrives.

That our first object might be defeated by the Bank, if we could suppose that the directors of the Bank (which, however, I am very far from believing) were capable of defeating it by design,—is sufficiently obvious. But even innocently, and with the sincerest desire to conform themselves to the expressed wish of Parliament, the Bank directors, suddenly driven out of the course which they may have adopted in reliance upon the former act, by this new and unlooked-for interposition, might, by the very measures which that interposition rendered necessary, create a state of things which would oblige us hastily to recall it.

We read in the Report of the Bullion Committee of the alarming effects of a too sudden and violent contraction of the Bank issues. We feel at the present moment the ill effect of an uncontrolled augmentation of them. The result of the present discussion must and will be (I cannot doubt but it will) to check the latter evil: but I am afraid, that, by fixing peremptorily a new period for opening the cash coffers of the bank, we should incur a danger of the former kind to an extent of which the consequences cannot be foreseen. Of these consequences, that which I most apprehend, which I think the most certain, and consider as the most to be deprecated, would be that, the act under which the restriction is now limited being repealed, the new limitation would be found impracticable; and that we should thus be left without the prospect of any definite period for the restoration of the sound and natural state of our currency.

In the present state of this discussion, I shall be well contented if we come out of the committee with the principles of our money system unequivocally recognized, and with the prospect of our return to the practice of them only not impaired. Of that issue I will not despair. For the rest, I am willing to leave to the good sense and good intentions of the Bank, and to the suggestions of the executive government, that gradual retrenchment of the excess of our paper currency, which can alone correct those evils, the existence of which we all agree in acknowledging. I impute nothing to the Bank for whatever has taken place amiss: I rely confidently on their disposition to amend it. As to the government, I am quite sure, that whatever may be the present feelings of my right hon. friend, no obstinate attachment to preconceived opinions will prevent him from looking at the whole subject with impartiality, or from setting himself with that solicitude which its importance demands to review and to re-consider all the facts and arguments connected with it, and to adapt his conduct (his counsel, rather—for it is in that way alone that he can properly influence the Bank) to whatever may after full deliberation be his own final and sincere conviction. I think that, after full deliberation, he cannot be convinced but aright.

If I am asked, "What will you then be satisfied, after all, with doing nothing? —with leaving things as they are?" I answer—We the House of Commons do perhaps as much as at this moment we can do, we do something practical—something essentially useful and important, if we strengthen, by a declaration of our opinion, the foundations of the money system of the country; if we re-establish the credit of the true standard of our currency, at a moment when it is attempted to be brought into doubt and disrepute.

The Bullion Committee will not have sat in vain, if its Report shall have recalled the attention of parliament to that system, and that standard, which it was never the intention of Parliament to abandon. Nor will this House have misspent its time, if at the conclusion of this long and anxious investigation, it shall give its sanction to the principles of the Bullion Committee, so far as the system of our money and the standard of our currency are concerned, even although it may withhold that sanction from the practical measure which the Report of the Committee recommends.

The House was then resumed, and the further consideration of the Report adjourned till to-morrow.

HOUSE OF LORDS.

Thursday, May 9.

PROTESTANT DISSENTING MINISTERS' BILL.] Viscount *Sidmouth* rose, in pursuance of the notice he had given on a former day, to propose to their lordships a Bill "to explain and render more effectual certain Acts of the 1st year of the reign of King William and Queen Mary, and of the 19th of George 3rd, so far as the same relate to Protestant Dissenting Ministers." The noble viscount said, it was his intention at this time to bring under their consideration the abuses which had arisen in the interpretation and the execution of two statutes, the 1st of William and Mary, and the 19th of George 3rd, so far as the same related to Protestant Dissenting Ministers. No man more than himself respected the rights given to Dissenters by these Acts of Toleration; but all classes of mankind in this country, the Dissenter as well as the member of the Established Church, were interested in removing those abuses which he alluded to; for in the proper exercise of religious duties was involved the dignity, the honour, and the sanctity of religion itself. The full advantage and happy blessings of toleration were not experienced before these statutes; for it unfortunately occurred, that one intolerant party in religion was succeeded by another equally intolerant; and it was not till the reign of king William that a true spirit of toleration was extended to those whose conscientious opinions led them to dissent from the doctrines and discipline of the Established Church. King William attempted several salutary measures, some of which, he was happy to think, he did accomplish; and others, he was sorry to say, had not been successful: but he effected one, the Toleration Act, which had secured religious liberty to the people of this country. Another act was passed in the 19th of the present reign, which amended that of king William. But if their lordships would turn their attention to the terms of these two acts, they would find that the appointments of ministers and teachers of religion were made contrary to the spirit and true intent of those statutes. He should ever consider the present mode of appointment as injurious to society, and such as he was sure was condemned by every worthy and enlightened Dissenter. It was a matter of importance to society, that not every person, without regard to his moral character or his intellectual faculties, should assume to himself the office of instructing his fellow-creatures in their duty to God. It could never be the wish of the Dissenters; indeed, from the communication he had had with that respectable class of men, he knew it was contrary to their ideas that a person should thus take upon himself the assumption that he was competent to become the religious instructor of others. On this subject he had gained extensive information, and had been made acquainted with facts, which shewed that abuses existed to a considerable degree in the self-appointment of improper individuals. For such was the mode generally pursued on this occasion, that if any person, however depraved, however ignorant and illiterate, whether descending from a chimney or a pillory, if he appeared at the quarter sessions, and claimed to take the oath of allegiance to his Sovereign and that against Popery, and made the necessary declaration provided by the 19th of Geo. III. he was entitled to, and could demand a certificate, although there was no proof of his fitness to preach, or of his having any congregation requiring his ministerial services. Thus it resulted that the immunities granted by these acts were in a number of instances claimed and enjoyed by individuals, to the greater burden of the rest of their fellow-subjects. Down to 1802, one of those immunities was an exemption from military services; and, to this time, from serving on juries, and other civil duties, which were forced upon other members of society. There was considerable evil in this respect, as the immunities were extended to persons who certainly, by every fair interpretation of the act, were not intended to receive that privilege. With respect to the mode of rectifying such abuses, he now meant to present a Bill to their lordships, and then should desire that it be read a first time. The object of this measure was, in the first place to procure a clear declaration of the law, to remove the erroneous interpretation adopted by magistrates in general, and to prevent improper persons from their own assumption taking upon them an office of all others the most important to a well-regulated community. He should be sorry if it were thought that he cast any imputation upon the different orders and classes of men; but in the account of abuses he had received, and the individuals described, though he would forbear to mention any name, there were persons claiming those certificates, who were coblers, tailors, pig-drovers, and chimney-sweepers. He could see a noble lord (Holland) smile at this recital: perhaps he considered this a fanciful objection; but he could assure the noble lord, he meant no imputation on the trade or employments of those men. But when he looked round the House, he felt the strongest respect for their lordships, and yet they would not feel displeased when he assured them he should be sorry to see any of them taking the place of lord Wellington, of lord Gambier, or of sir Edward Pellew. In that sense he thought the situation of those men he had mentioned disqualified them from being teachers and instructors of their fellow-subjects. It would also be understood, that he was not wishing to alter the Act of Toleration, but to provide that persons applying should not be entitled to their certificate, unless they had one signed by six reputable housekeepers of the persuasion to which he belonged. The noble viscount read the provisions of the two Acts, and inferred from them that the intention of the legislature was not to grant the certificate to any but such as were in holy orders, or were the teachers of a congregation. Indeed, the statutes had been differently explained in different counties, for the certificates had not been granted, of course, in the counties of Devon, Buckingham, and Norfolk, but several had been refused. This, however, was not effectual against the applicants, for they could easily obtain the certificate from an adjoining or more distant county. With respect to the intellectual qualifications of those claiming this office, though it was a matter also of great importance, he should not in the least interfere. But he did think it incumbent that such persons should not act upon their own assumption of their own competency, without any proof of their being proper to be so appointed by a certain number of their own sect. From the returns on the table, it did appear that there was also required more attention to the Established Church. If it was a vital part of the constitution, it deserved their most anxious solicitude, for whatever tower of strength they might erect in the country, their security depended upon the firmness of their foundation. The Church of England must ever be considered, both by Protestant and Dissenter, as that steady guide which directed the opinions and judgment of the whole nation. But if this part of our national constitution was not better attended to, we should be in danger of having a nominal Established Church, and a sectarian people. It appeared from the returns, that there were places where the church could not contain more than a quarter of the population, in others a much less number, and where the majority of the inhabitants lived upwards of four miles from the church. In the reign of queen Anne, the necessity of erecting more churches occupied the attention of parliament; and it was at length ordered, that fifty new churches should be erected in the metropolis. Notwithstanding the extent of the city at that period there had been only 10 built in pursuance of those proceedings, and since that time the population and the buildings had increased to twice the extent of those preceding, which induced the House of Commons to agree, in bad times, that there was a necessity to build 50; therefore upon the same reasoning, there was now a necessity to build 100.—The noble viscount next noticed the ideas he had before entertained respecting pluralities, when he thought they were only to be found in the hands of poor individuals; but he was sorry to say he had authentic information that they were only to be found amongst the higher beneficed clergy. In bringing this measure forward, he again most strongly disclaimed any motive or intention of adopting any measures of intolerance towards the Dissenters; he was abhorrent towards a disposition of that nature. The noble viscount concluded by presenting the Bill to the House, and moving that it be read the first time.

Lord *Holland* said, he would not act so irregularly as to oppose the first reading of a Bill, but he thought it right, in candour, to state, that he could not agree with the noble viscount in the object proposed. The noble viscount founded his measure upon an opinion, that it was only by the permission of government that persons were entitled to preach those religious doctrines which they held. Now, he on the contrary, was of opinion, that every person had a right to preach those religious opinions which he conscientiously believed. He regretted that the noble viscount had spoken invidiously of persons in inferior situations of life becoming preachers, for surely they were fully as entitled to preach those religious opinions which they conscientiously believed, as those who received the advantages of the rich endowments of the church. He regretted also, that his noble friend should have at all touched upon the subject, as in his opinion it could only tend to excite dissentions. No case had been made out which called for the interference of Parliament. The exemptions from civil duties, of which the noble viscount complained, could only apply to a few persons, and it was better that those few persons should have their exemptions, than that Parliament should run the risk of exciting those dissentions which must be caused by meddling with the Toleration Act. He agreed with the noble viscount as to the propriety of increasing the number of churches, but whilst he had no objection to a grant by Parliament for that purpose, he thought that the Church itself ought to be called upon to contribute to an object, in which the interests of that Church were so materially involved. He would not now go further into the subject until he had read the Bill, but to the object stated by the noble viscount he was decidedly hostile, thinking it much better, and infinitely the wiser course, that the Toleration Act should remain untouched.

Lord Viscount *Sidmouth*, in explanation, disclaimed the slightest intention of speaking in the least invidiously of the persons whom he had alluded to, on account of their inferior station in life. As to the Toleration Act, it was no part of his object at all to alter it; his only purpose was to have it ascertained with certainty what the law was. On the subject of Churches, he thought a Bill ought to be passed, enacting, that in every new church or chapel a certain portion of the area should be set apart for the admission of the people, without any charge.

Earl *Stanhope* thought it would be better for the noble viscount to begin by some measure for building places of worship to accommodate those members of the Established Church who were now, as stated, for want of that accommodation, obliged to go to meeting-houses, before he tried his hands with the dissenters.

The Bill was then read a first time, and ordered to be printed.

COPY OF LORD SIDMOUTH'S BILL RELATING TO PROTESTANT DISSENTING MINISTERS.] The following is a copy of the Bill as brought in by Lord Sidmouth:

> A BILL, intituled, an Act to explain and render more effectual certain Acts of the First Year of the Reign of King William and Queen Mary, and of the Nineteenth Year of the Reign of his present Majesty, so far as the same relate to Protestant Dissenting Ministers.

"Whereas, by an Act made in the first year of the reign of king William and queen Mary, intituled, 'An Act for exempting their Majesties Protestant subjects dissenting from the Church of England from the Penalties of certain Laws,' persons dissenting from the Church of England in holy orders, or pretended holy orders, or pretending to holy orders, and preachers or teachers of any congregation of Dissenting Protestants, in order to their being intitled to certain exemptions, benefits, privileges, and advantages, by the said Act granted, are required to declare their approbation of, and to subscribe to certain Articles of Religion: and whereas by another Act, made in the nineteenth year of the reign of his present Majesty, intituled, 'An Act for the further relief 'of Protestant Dissenting Ministers and 'Schoolmasters,' it is enacted, that every person dissenting from the Church of England in holy orders, or pretended holy orders, or pretending to holy orders, being a preacher or teacher of any congregation of Dissenting Protestants, if he shall scruple to declare and subscribe as required by the said first recited Act, may make and subscribe the declaration in the said last recited Act set forth, in order to his being entitled to the exemptions, benefits, privileges, and advantages, granted by the said first recited Act, and to certain other exemptions, benefits, privileges, and advantages, granted by the said last recited Act: and whereas doubts have arisen as to the description of persons to whom the said recited provisions were intended to apply, and it is expedient to remove the said doubts; May it therefore please your Majesty that it may be declared and enacted, And be it declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that every person being a Protestant dissenting from the Church of England in holy orders, or pretended holy orders, or pretending to holy orders, who shall be appointed or admitted to be the minister of any separate congregation of Dissenting Protestants, duly certified and recorded or registered according to law, shall be, and is hereby declared to be, a person entitled to qualify himself to be a dissenting minister, within the intent and meaning of the said recited provisions of the said Acts; and that no other than such person as aforesaid is so entitled within the intent and meaning of the same.

"And be it further enacted, that from and after the passing of this Act, upon the appointment of any person, being a Protestant dissenting from the Church of England, and being in holy orders, or pretended holy orders, or pretending to holy orders, to be the minister of any separate congregation of Dissenting Protestants, duly certified and recorded or registered according to law, and upon his admission to the peaceable possession and enjoyment of the place of minister of the said congregation, it shall be lawful for any or more substantial and reputable householders belonging to the said congregation, in order that the said minister may duly qualify himself according to this Act, to certify the said appointment and his admission to the peaceable possession and enjoyment of the said place, by writing under their hands and proper names, in the form set forth in the Schedule of this Act marked A., to be directed to the justices of the peace at the general session of the peace to be holden for the county, riding, or place where such congregation shall be established; and every such minister, who shall cause the certificate to him granted as aforesaid to be recorded at any general session of the peace to be holden as aforesaid, within after the date of the said certificate, in the manner directed by this Act, (proof being first made on the oath of or more credible witness or witnesses of the hand-writing of the several persons of the said congregation whose names are subscribed to the said certificate), shall be and is hereby allowed, without further proof, to take the oaths and to make and subscribe the declaration against popery required to be taken and made by the said Act passed in the first year of the reign of King William and Queen Mary, and also the declaration set forth in the said Act passed in the nineteenth year of the reign of his present Majesty; and after taking the said oaths, and making and subscribing the said declarations, in manner and upon proof aforesaid, every such minister shall be and is hereby declared to be entitled to all the exemptions, benefits, privileges, and advantages granted to Protestant Dissenting ministers by the said recited Acts or either of them, or by any Act in the said recited Acts or either of them mentioned or referred to.

"Provided always, and be it further enacted, that nothing herein-before contained shall affect or impeach, or be construed to affect or impeach, any provision or exemption, or any qualification or modification thereof, contained in any statute made since the said recited Acts, and now in force, relating to the militia, or the local militia of this kingdom:

"Provided also, and be it further enacted, that nothing herein-before contained shall affect or impeach, or be construed to affect or impeach, the title or claim of any dissenting minister, who before the passing of this Act shall have taken the oaths and subscribed the declaration mentioned or set forth in the said recited Acts, or either of them, to have and enjoy the exemptions, benefits, privileges, and advantages granted by the said Acts, or either of them.

"And whereas it is expedient to exempt from certain penalties other persons hereinafter described, who shall make and subscribe the declaration set forth in the said Act of the nineteenth year of the reign of his present Majesty, be it further enacted, that in case any person, being a Protestant dissenting from the Church of England, and in holy orders, or pretending to holy orders, but who shall not have been appointed or admitted the minister of any separate congregation of Dissenting Protestants, shall be desirous of qualifying himself according to this Act, to preach and officiate as a dissenting minister, it shall be lawful for any or more substantial and reputable householders being respectively Dissenting Protestants of one and the same sect or persuasion with the person applying, to certify, on their consciences and belief, by writing under their hands and proper names, in the form set forth in the Schedule of this Act marked B., to be directed to the justices of the peace, at the general sessions of the peace to be holden for the county, riding, or place, where the said householders, or the major part of them, shall reside, that such person is a Protestant Dissenting minister of their sect or persuasion, and has been known to them and every of them, for the space of at the least before the date of the said certificate, and that such person is of sober life and conversation, and of sufficient ability and fitnesss to preach or teach and officiate as such dissenting minister; and every person to whom such last mentioned certificate shall be granted who shall cause the same to be recorded at any general session of the peace to be holden as aforesaid, within after the date of the said certificate in the manner directed by this Act, proof being first made on the oath of or more credible witness or witnesses of the hand-writing of the several persons whose names are subscribed to the said certificate, shall be, and is hereby allowed, without further proof, to take the said oaths, and make and subscribe the said declarations in the said recited Acts mentioned or set forth; and every such person, after taking the said oaths, and making and subscribing the said declarations in manner and upon the proof aforesaid, may from thenceforth preach and officiate as a dissenting minister in any congregation of Dissenting Protestants duly certified and registered or recorded according to law; and every person so qualifying himself as last aforesaid, shall be wholly exempted from all and every the pains, penalties, punishments, or disabilities inflicted by any statute mentioned in the said recited Acts, or either of them, for preaching or officiating in any congregation of Protestant Dissenters for the exercise of religion permitted and allowed by law.

"And be it further enacted, that upon the appointment or admission of any person of sober life and conversation to be a probationer for the exercise during a time to be limited of the functions of a Protestant dissenting minister, it shall be lawful for any or more dissenting ministers who shall have taken the said oaths, and made and subscribed the said declarations pursuant to the said recited Acts or either of them, or this Act, to certify the said appointment or admission by writing under their hands, in the form set forth in the schedule of this Act marked C. to be directed to the justices of the peace at the general session of the peace to be holden for the county, riding, or place where the said ministers or major part of them, shall reside, and that the person so appointed or admitted is of sober life and conversation, and has been known to them for the space of before the date of the said certificate, and every person to whom such last mentioned certificate shall be granted, who shall cause the same to be recorded at any general session of the peace to be holden as aforesaid, within after the date of the said last mentioned certificate in the manner directed by this act, (proof being first made on the oath of or more credible witness or witnesses of the hand-writing of the said ministers whose names are subscribed to the said certificate), shall be and is hereby allowed without further proofs to take the said oaths, and to make and subscribe the said several declarations in the said recited acts mentioned or set forth; and every such person, after taking the said oaths, and making and subscribing the said declarations, may from thenceforth, during the period specified in such certificate, and not exceeding next ensuing, preach and officiate as such probationer in any congregation of Dissenting Protestants duly certified and registered or recorded according to law; and every person so qualifying himself as last aforesaid, shall be, and is hereby declared to be, during the space of exempted from all and every the penalties, punishments, and disabilities inflicted by any statute mentioned in the said recited Acts, or either of them, for preaching or officiating in any congregation of Dissenting Protestants for the exercise of religion permitted and allowed by law.

"Provided always, and be it enacted, that nothing herein contained shall be construed to authorise or enable any person to qualify more than as such probationer.

"And be it further enacted, that the justices of the peace, to whom any such certificate as aforesaid shall within the time herein limited be tendered at their general session, shall, and they are hereby required, after such proof in verification thereof as is herein directed, to administer the said oaths and declarations to the person producing such certificate, upon his offering to take and make and subscribe the same respectively, and thereupon to record the said certificate at the said session, and thereof to keep a register: Provided always, that any declaration required to be subscribed by the said recited Acts or either of them, shall be subscribed in open court, with the proper Christian and surname and names of the person making such declaration in his own handwriting, and in the usual manner of his writing, the same in words at length, and not otherwise: Provided always, that in the body of every certificate granted by the said officer or officers of the said court to any person as such probationer and not as minister, there shall be expressed the limitation of time for which such certificate shall be in force by virtue of this Act.

"And be it further enacted, that every certificate of appointment or admission of any such minister, or of any person to officiate as such minister, or of any such probationer pursuant to this Act, shall be subscribed with the respective proper names of the several persons granting the same, in their own hand-writing, and in the usual manner of their writing and subscribing the same, and in the presence of the person or persons who is, or are to be, the witness or witnesses, to verify the same before the court of general session of the peace in the manner here directed.

"And be it further enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded.

Schedules to which this Act refers.

SCHEDULE (A).

Certificate of Appointment or Admission of a Minister to a separate Congregation.

To the justices of the peace at the general session of the peace to be holden for the county, (riding, city or town, as the case may be), of We, whose names are hereunto subscribed, being respectively substantial and reputable householders, belonging to the separate congregation of dissenting Protestants of the sect or persuasion denominated [Here describe the sect or persuasion of dissenters] duly certified and recorded (or registered) according to law, to be holden at [Here insert the house, chapel, or place, and the parish, town, and county where the congregation assemble] do certify that *A. B.* of being in holy orders (or pretended holy orders, or pretending to holy orders, as the case shall require) hath been appointed minister of the said separate congregation, and has been admitted and is in the peaceable possession of the place of minister of the same. Given under our hands this day of in the year of our Lord

Signed and subscribed by (Signed)
the above-named *C. D.*, *C. D.* | *I. K.*
E. F. G. H., *I. K.*, *L. M.*, *E. F.* | *L. M.*
and *N. O.* in the presence *G. H.* | *N. O.*
of *P. Q.* of the day
above written.

SCHEDULE (B.)

Certificate of Appointment or Admission of a sufficient Person to preach and officiate as a Dissenting Minister.

To the justices of the peace at the general session of the peace, to be holden for the county, riding, city, or town, [as the case may be], of We, whose names are hereunto subscribed, being respectively substantial and reputable householders and Dissenting Prostestants of the sect or persuasion denominated [here describe the sect], do certify on our consciences and belief, that *A. B.* of is a Protestant Dissenting minister of our sect or persuasion, and one of our congregation, and that we have and each of us hath known the said *A. B.* for the space of at the least, before the date of this our certificate, and that we duly believe in our consciences that the said *A. B.* is a person of sober life and conversation, and of sufficient ability and fitness to preach or teach, and officiate as a dissenting minister. Given under our hands this day of in the year of our Lord

Signed and subscribed by (Signed.)
the above-named *C. D.* *C. D.* | *I. K.*
E. F., *G. H.*, *I. K.*, *E. F.* | *L. M.*
L. M., and *N. O.*, in the *G. H.* | *N. O.*
the presence of *P. Q.* of
day above-written.

SCHEDULE (C.)

Form of the Certificate of Appointment or Admission of a Probationer.

To the justices of the peace at the general session of the peace to be holden for the county of We, whose names are hereunto subscribed, being respectively dissenting ministers, duly qualified according to law, in the sect or persuasion denominated [here describe the sect], do certify that *A. B.* of is a person of sober life and conversation, and has been known to us for the space of before the date of this our certificate, and hath been appointed or admitted by us as a probationer for the exercise of the functions of a Protestant Dissenting minister for the term of , after qualifying himself as required by law. Given under our hands this day of in the year of our Lord

Signed and subscribed by (Signed.)
the above-named *C. D.* *C. D.* | *I. K.*
E. F., *G. H.*, *I. K.*, *E. F.* | *L. M.*
L. M., and *N. O.*, in the *G. H.* | *N. O.*
presence of *P. Q.*, of the
day above-written.

HOUSE OF COMMONS.

Thursday, May 9.

LONDON THEATRE BILL.] Mr. Mellish moved the order of the day for the second reading of the London Theatre Bill.

Mr. *Whitbread* said, he was not surprised at the hon. gent. pressing this motion; but trusted, when he heard the explanation which it was in his power to offer, that he would agree to the postponement of it till next session of parliament. At the discussion of this question six weeks ago, he had, from a consideration of the subject, when other gentlemen were for postponing it till another session, only asked for a delay of a few weeks, in order to enable a set of disinterested noblemen and gentlemen to inquire into the situation of Drury-lane Theatre, and endeavour to disentangle that concern from the pecuniary embarrassments which precluded any arrangement being made for rebuilding it. He had now to state the result of that inquiry, which was, that there appeared to them to be the strongest probability that Drury-lane Theatre might be reconstructed, and thus one of the main grounds on which the present petition rested, done away. The Chairman of that Committee (Mr. P. Moore) would have to declare, that the most material obstacles to the reconstruction of Drury-lane Theatre had been removed, and that the Committee had been even able to draw out a plan, to which, as there had already been some, there was no doubt but there would be a number, and a sufficient number, of subscribers to rebuild the Theatre. On these grounds he recommended the postponement till next session; he required no greater indulgence, and, as an individual member of parliament, if Drury-lane Theatre was not then in the course of being erected, he should certainly take no part against this application. He would not enter into any discussion as to whether two or three theatres were necessary. There was now only one, and a great probability that, in a very short time, there would be two on the old foundation. But at any rate, as the patents for these were obtained for a valuable consideration, it could never be consistent with justice to deprive them of their right without giving a compensation for the same. In that case they might wait till another session, and then see whether these titles were in a condition to permit their holders to build themselves, or so good as to be worth the purchase of other persons.

Mr. *Browne* did not think the explanation that had been given so satisfactory as the House had a right to expect, after what had taken place six weeks ago, when the subject was formerly under their notice. Even supposing that a second theatre would be rebuilt, there was no ground for saying that a third might not be necessary. To those who were of this opinion the explanation must be of no weight; but even to those who had thought that assurance should be given for the rebuilding of Drury-lane Theatre, little satisfaction could be given by the meagre statement now made; for all that it went to say was, that the embarrassments of that concern had been looked into, but not a word of any arrangement being made for going on with the erection of a theatre. It never was suggested six weeks since, that on this ground the present Bill should be postponed; and still there was another point on which it stood completely untouched, namely, the expediency of giving the town a third theatre, which had many advocates, while there was certainly not one who maintained that a single theatre was sufficient for the amusement of this great metropolis. He therefore gave his support to the Bill.

Mr. *Whitbread*, in explanation, said, it was his intention to assert, that on or before the 1st of October next it would be ascertained whether Drury-lane Theatre could be rebuilt or not; and if it could be rebuilt, there would be at that period considerable progress made towards its reconstruction. Of this there was a great probability, as the most material obstacles, with regard to the pecuniary concerns of the theatre, had been removed.

Mr. *W. Pole* thought the statement of the hon. gentleman perfectly satisfactory, and that it would be a harsh, if not an unjust proceeding, to refuse the postponement of the Bill under such circumstances.

Mr. *Peter Moore* said that the Committee (of which he had the honour to be chairman) had two points to consider; the first was the amount and nature of the claims upon the theatre; the second, the probability of its being rebuilt. With respect to the first, he assured the House it had been so intricate and extensive as to demand a very laborious attention for the six weeks allowed them; yet he had the pleasure to say, that all the claimants had acted in a most liberal manner, and indeed there had been a kind of competition among them, who would sacrifice most towards the re-establishment of the property and the amusements of the public. Nor had his right hon. friend (Mr. Sheridan) been behind them in liberality and an anxious expression to devote his private to the general interests. As in his whole political and private life, so he had on this occasion evinced the utmost disinterestedness, and in giving up his own rights, had proceeded till the Committee thought it necessary to put a stop to it: all that he had ever said was, "Do all you can for the sufferers." The hon. gentleman then read a declaration of the Committee, to the effect that all the material obstacles towards disentangling the concern were removed: and, with regard to the second point, namely, the rebuilding of the theatre, all the indulgence he asked was for time to rebuild that noble structure. So convinced was he that this would be thought reasonable by the House, that he even hoped his hon. friend (Mr. Browne) would move the second reading to this day three months, but lest he should not do so, to put it in a proper way, he begged leave to move that amendment himself.

General *Tarleton* seconded the amendment, and was of opinion that time ought to be given for the rebuilding of the theatre. He appealed to the feelings of the House, and called on them to consider the immortal works of Mr. Sheridan, and the stoical philosophy with which in that House he had witnessed the destruction of his property. Surely some indulgence was due to such merit. After all, he could not see of what use a third theatre would be, when Mr. Kemble, an accomplished actor and scholar, was under the necessity of introducing quadrupeds to fill the only one which the town now enjoyed. But this was the age of speculation. They had hon. gentlemen speculating in canals, who were not possessed of a foot of land, and cared very little for the water; and they had hon. gentlemen speculating in theatres, who never read the poets, and never entered a play-house.

Mr. *Marryatt* disavowed being a speculator of any kind, and noticed the extreme inconvenience to which the public were put by having only one theatre. If a gentleman applied for a box for himself and family, he was informed he could not get one for fourteen days; and thus taking it on chance for that time, if they wanted to laugh at a comedy, they were perhaps seated to cry at a tragedy: and if they desired a tragedy, they might be treated with a comedy or a melo drama. It thus happened that the managers of theatres were not competitors for public favour, but the public were competitors for the favour of the single manager who now monopolized the task of providing amusement for this great city. He did not see it shewn even that a third theatre was unnecessary; and of this he was sure, that if more theatres were allowed to be built, the public would not have them constructed of a size only to augment the profits of the managers, at which the audience could neither hear nor see those fine expressions of countenance which constituted the charm of acting; but of a moderate extent, where neither horses nor asses could be exhibited. There was another consideration which pressed upon him from the present state of the theatrical world. Some of the very best male and female performers in the country could not procure engagements, being thrown out by the quadrupeds, which could be obtained at a cheaper rate, and could act on the largest theatre, as there was no necessity for watching the expressive turns of their countenances! It had been said by Mr. Kemble (as he had seen by the newspapers), at one of the dinners of the O. P. gentry, that it required two theatres to make one good one; and he was convinced, if there were not more than one, that the consequence of the monopoly would be, that at that theatre they would have sound and show instead of sterling merit; as, from the monopoly of the Bank, they would have depreciated paper instead of sterling coin.

Mr. *Morris* said, that the circumstance of many able performers being out of employment, was one likely to be applicable to all times and situations. In France, where theatres were so numerous, and where taste was supposed to exist to such a degree, this complaint was always made, and always made with reason. As to the introduction of pageantry upon the stage, that also was a general practice to which managers must resort. It was a well known fact that the Misanthrope of Moliere was held up for many nights by the aid of a farce or some shewy exhibition, which kept the audience in good humour. The public taste was not to be considered degraded merely because it could admire talents of a different description, or performances of a distinct species. There was always a security in the good sense of the public for their coming back again to the legitimate drama. As to the question of expence, although the food and pay of the quadruped performers were less, the whole expence of the pageant was considerably greater. But when the drama was mentioned, and its excellence preferred, they should recollect how much the drama was indebted to him whose interest was concerned in the present motion. They should recollect, that if we were now in a condition to contend with the Theatre of France, it was to him they were indebted for that distinction. They should also recollect, that the names of Siddons, Kemble, and Jordan, appeared among the creditors of the late Theatre of Drury-lane; and decide upon the propriety of preferring their claims to the claims of a few greedy speculators whose only object it was to fill their own pockets.

Mr. *Sheridan* said, he would trouble the House but for a short time on this occasion, though he could not help feeling grateful for the personal civility and attention which he had experienced from both sides of the House. It was pleasing to him, though a party man, to find that his conduct was such as to procure for him this personal consideration. There were, however, one or two words which fell from his hon. friend on the floor (Mr. Whitbread), and his hon. friend behind him (Mr. Moore), which, sensible as he was to the compliments they had paid him, he felt hurt at being employed on this question. One of his hon. friends had asked for the "indulgence" of the House, and the other for the "favour" of postponement. Now, though grateful for the partiality they had shewn towards him, yet he would take the pride to say, that he wished nothing from the House but its impartial justice. An hon. gent. had complained of the difficulty of procuring a box at the Theatre, and of the perversion of the public taste by the introduction of quadrupeds. But that was a mistaken view of the subject, for it was the taste of the town that perverted the Theatre. Mr. Kemble would much rather, he was sure, act on his own two legs, than call in the aid of cavalry; but the fact was, that the taste of the town was more gratified by them, that taste being perverted by the depravity of manners, and the alteration in the mode of living which prevented people of fashion from attending and taking the lead in the theatres as formerly. It was erroneous in gentlemen to say there was only one theatre, when in fact there were two, and one of them of that very description which gentlemen required, where they could hear every thing and see the varied expressions of the actor's countenance, and where there was no room for cavalry to prance about; and yet that theatre was almost deserted, although there never was a better company collected together under a more able manager. It was long since he had interfered with the management of a Theatre, but he recollected once, and only once, having interfered in procuring the representation of a play from the pen of a female author (Miss Bailey), whose admirable works were an honour to her and the country. This play (De Montford) was brought forward, and with all the aid of Mr. Kemble and Mrs. Siddons, and the most superb scenery, failed, he must say, through the perverted taste of the public. As for the present Petition, he had no objection to ten or twelve persons presenting, but he asserted, if a third Theatre were at all necessary, they (the Drury-lane Patentees) had the power and right to execute it—and the House never would take away their monopoly without granting them a full compensation. Gentlemen called it the London Theatre, and so it had been read from the chair; but it had no title to that name. When it came before the privy council, he had pleaded his own cause, not from any mistrust of the learned profession. but as he had done on a former occasion, without mistrusting the eloquence of the right hon. gent. opposite (Mr. Perceval), which, if he had done the displays of oratory which he had since given in a higher situation would completely have put him to the blush. He then had an opportunity of seeing their briefs, and must say they were the most poetical he ever read, and the privy council had rejected the claim. Upon this they came to the House of Commons to ask them to contradict the privy council, and do that which the king by his prerogative had the power of doing, and had refused. With this unusual request he was sure the House would not comply, and, indeed, it was unparalleled in the annals of parliament for them to do that which by prerogative was given to the crown. When the application was made to the council for the patent, after properly applying to the House to be incorporated, there were also ten or twelve other parties claiming. and the present were really the worst in the field, and yet they now asked of parliament more than the king could grant them, and instead of a twenty-one year patent, to give them a lasting patent. This was unparalleled, and in fact stripping the king of his prerogative. To return to the assumed name of "London Theatre;" he had no objection to bringing the matter before parliament, but it ought not to come on a false pretence and in masque-

Mr. *W. Pole* observed, that this Bill did in a great measure, assimilate the militia to the regulars, as in neither were the wives and families of volunteers entitled to the provision. He thanked the hon. bart. for his suggestions, and would be happy to have his further opinions on the Bill in the course of its progress. He would take care that the relief should be attainable with the least possible trouble.

REPORT OF THE BULLION COMMITTEE.] The order of the day being read, the House resolved itself into a Committee of the whole House, to consider further of the Report of the Bullion Committee, Mr. Lushington in the chair.

Mr. *Grenfell* supported in a few words the Resolutions of his hon. and learned friend (Mr. Horner). He professed himself to be of the same opinion as he was last year, namely, that the currency of the country had been, and still continued to be, in a state of gradual depreciation. He believed he had heard and read almost every thing that could be said upon the subject, and had heard and read with a mind open to conviction: and the result of his candid attention was, that, looking at the question as a plain practical man of business, he felt satisfied that the Resolutions proposed by his hon. and learned friend, were those which in his mind most consulted the best interests of the country, and as such they should have his cordial support.

Mr. *William Taylor* thought the present, that sort of question which could be best treated by discussing it, partly upon the ground of authority, and partly upon the ground of examples: existing authorities, he admitted, could not be very conclusive, when it was considered how men the best qualified to decide the question clashed in their respective ultimate determinations upon it: an opposite rule would, however, apply with respect to the selection of examples, for while, perhaps, they could not go too far back for authority, those examples were the best and had the most practical application which were taken from the circumstances and events connected with the different banks upon the continent. Applying then this principle to the subject before them, the hon. gent. proceeded to shew by a variety of references to the practice and principles regulating the Swedish Bank, the Banks at Vienna, Paris, and Hamburgh, that a currency of paper of the same denomination with a metallic currency must invariably have the effect of driving that metallic currency out of circulation. This position, which he had thus attempted to establish by analogy and example, he should next proceed to support by reference to authority. The Memorial of the great sir Isaac Newton upon the subject of currency, was considered a work in no sense inferior to any other of the immortal productions of that greatest of all philosophers. Here the hon. gent. read to the Committee an extract from this Memorial, which went to establish as a principle in the doctrine of currencies, that where there were two currencies and both legal tenders, one of them must become depreciated. He referred also to the authority of Mr. Harris, who agreed not only in the justness of this principle, but went a step further: he laid it down, that if there were established two currencies as legal tenders, the one paper and the other metal, the paper currency would infallibly drive the metallic out of circulation. In the various views taken of depreciation, gentlemen confined themselves too much to domestic effects: depreciation was not to be looked to by mere reference to home; it could only be rightly judged of by looking at home and abroad, and comparing the foreign rates with our own. Thus it was insisted, that paper did as well for all domestic purposes as coin; but why? Because the tax-gatherer, and every public officer, was compelled to receive Bank notes in payment: it was not public confidence that gave Bank notes this sort of compulsory credit, it was the sanction of a law compelling by penalty. So true was this, that wherever an opportunity seemed to offer itself for evading that law, it was industriously sought after. He had heard, for instance, that foreigners in this country, to whom sums of money had been owing by persons in London, had gone so far as to take counsel's opinion, to know whether the Bank Restriction act extended to them, and whether they might not enforce payment in specie. The hon. gent. concluded by stating it as his opinion, that whenever there were two currencies of the same denomination, and of different intrinsic value, the one of greater value must invariably disappear. He thought there should be an explanatory act passed to shew that Bank of England notes were a legal tender.

Mr. *Davies Giddy* began by stating that he should assume this one principle of exchange, that the value of all articles depended on the quantity supplied and on the quantity demanded. If this principle should be conceded to him, he apprehended that all the conclusions which he should take the liberty of submitting to the House followed as matters of course; and, if denied to him, he did not know how to prove it but by leaving the fact to the common sense of the House. There was one principle, too, and only one, in which he differed from his hon. friend (Mr. Huskisson) namely, that the value of the precious metals depended on their intrinsic worth, and not on convention. To this he could not agree. He begged leave also to suggest that bullion might have been of less value than coin, if the penal laws could be enforced, as the superior value of the former only arose from its being exported; and if the circulation of paper was not more than the country demanded, it would equally answer as a circulating medium as even a metallic circulation. A given quantity of the precious metals, he begged it to be observed, would not purchase the same articles as formerly, but their value was daily decreasing. This was, in a great measure, occasioned by the great increase of these metals by the discovery of America. But what occasioned it in a still farther degree was a discovery even more estimable than the metals themselves, the invention of bills of exchange. The circumstance of the precious metals having been, by the invention of bills of exchange, discharged from those uses to which they were formerly employed, had contributed largely to this fall. From his own knowledge, the precious metals never were of less value than at present. Some gentlemen, in endeavouring to find out the standard, had defined it to be the interest of 33*l.* 6*s.* 8*d.* not seeming to recollect that this sum itself must be valued in the same standard. As well might any gentleman, instead of miles and furlongs, take clouds for describing the distance of one place from another, and say that such and such a place were distant from London Bridge so many clouds.—The issue of country bank-notes was to his mind the great cause of the depreciation of our paper currency, and he was surprized that no gentleman had yet referred to that circumstance. He was of opinion that bullion had not advanced in price compared with other articles, but that bank-notes were really depreciated. He certainly agreed, that part of the unfavourable rate of exchange was to be attributed to the state of trade, but the rate of exchange could not vary more than between the comparative ability to pay in one country and in another. Some gentlemen had argued that the guinea was not worth more than a one-pound note and a shilling in this country; but why was it so? Because of a penal law which prevented a greater value being given for it. A law might give the same value to any piece of coin, however small, as to a bank-note; but still this would not make this piece of coin of the value of a guinea; and was it possible that any law chaining two things of so unequal value together, could continue for any long time? The great cause of the depreciation of paper, as he had already said, arose from the number of country bankers, who, without any capital, exchanged their paper with each other, probably at the distance of 70 or 80 miles, and thus put into circulation a greater sum than the demand rendered necessary. The given value of all the gold in the world must be diminished in the same proportion as the quantity was increased: and paper, of course, must be depreciated on the same principle. If bullion had been sent out of this country, however, it was because it was the commodity we could most easily spare; and he was not afraid but this country could support itself, though there was not an ounce of gold within it; and if the circulation of paper could be kept within bounds, we could go on with it as well as with the metallic medium. He was free to say, that the Bank of England notes were not of themselves sufficient for the circulation of the country, and should be happy if any gentlemen could shew him the mode in which country bankers' notes could be diminished. The diminution, however, he was afraid, could only be effected by curtailing the issues by the Bank of England. If this was done, their paper would rise in value, and a run would be made on the country bankers.—Having gone thus far with the honourable and learned gentleman who proposed the first set of Resolutions, he must leave him at the last Resolution. The system must be departed from, but it must be done gradually and temperately. He was for passing the Resolutions of fact, and then allowing the matter to lie over till next session, that they might see whether a body, in whose honour the House and the country ought to have the fullest reliance, nd who best knew in what manner the etrograde motion might most easily be accomplished; the Bank Directors, might not themselves take some preliminary measure towards a remedy for the evil. If they did so, then the House would be relieved from any farther interference; if they did not, then it would be the incumbent duty of the House to take such steps as should arrest the evil, while it was capable of being arrested.

Mr. *Long,* as he had been a member of the Bullion Committee, was desirous of briefly troubling the present Committee, lest he should be supposed to have concurred in the recommendation of measures, which, in his opinion, would, if adopted, prove highly injurious to the country. In the whole course of his experience, he had never known a report which differed so much from the evidence of those who were examined by the Committee from which it proceeded. He distinctly denied that, considered with respect to domestic purposes, paper had experienced any depreciation, although he admitted that, with respect to our foreign relations, it had done so. He denied also, that the unfavourable state of the exchanges was attributable to the over-issue of bank notes, and referred to a paper in the Report in order to shew, that at former periods the exchanges had not been operated upon by that cause. The fact was, that the balance of payments, which was considerably against Great Britain, was the real cause of the unfavourable state of the exchange. We could not, as in ordinary times, force our exports, and set the exchange right in that way. As to the remedy of the evil, he thought it would be most unwise to declare that the restriction should cease at any given period; because, when that period came, it might be found impolitic or impracticable to terminate it. The despondency of those who thought differently from him on the subject, reminded him of an expression used by the late Mr. Fox in 1797, when the Restriction Bill passed. Mr. Fox then said, "that he must be a very sanguine man indeed who did not believe that public credit would be ruined if the Bill continued in force six or eight months." A similar result would, he was persuaded, attend the predictions of the hon. gentlemen who anticipated such evil consequences from the present system.

Sir *Francis Burdett* observed, that after the length to which the discussion had gone, and the nugatory result to which it was likely to lead, he would not have risen, had it not been, that the subject appeared to him to require attention in one or two points of view, in which it had as yet not been considered. He really thought, that, after what had been said by the hon. gent. (Mr. D. Giddy) who had spoke last but one, they had at least got the length of being convinced that two and two made four; and that the exchange against a country could not for any long time fall beyond the charge of transporting the precious metals. In a proposition so simple, he thought that gentlemen on all sides should have been agreed. But from what had been said by the hon. member who spoke last, he found that this was by no means the case: for, according to that hon. gentleman's view of the question, they not only were at issue upon the general result, but as far as ever from being agreed upon the first principles of the doctrine of money and exchanges. The hon. gent., who spoke last, had earnestly deprecated the adoption of any tone or language upon a subject of such importance, and so essentially connected with the best interests of the State. But if any thing could excite despondence in his mind, it would be to be told, that the very existence of the country depended on the maintenance of the paper currency. He (Sir F. B.) would feel very despondent, indeed, if he could be brought to believe that the trade, manufactures, all the resources, and even the existence of the nation depended upon such a commodity.

But if the hon. member himself really believed that to be the case, he must say, that those who had been parties to the restriction and its consequences, had been the worst enemies of the country, and the best allies of France. He recollected well, and he was persuaded it must be in the memory of every hon. member who heard him, how very differently during the revolution these gentlemen had argued with regard to France. The paper of France, it was then contended, would be its destruction. It was impossible it could continue the war with such a depreciated paper currency. And yet the very same gentlemen were not now ashamed to argue that this country could not carry on the war without such a depreciated currency. He was far from thinking that there was a want of coin in the country; nay he was persuaded that if the paper could be suddenly removed, abundant coin would instantly make its appearance. Let but the excess of paper be withdrawn from circulation, and they would soon have enough of coin. The metals would return, as they did in America and other places. The principle and practical effect in this respect had always coincided. The want of coin in this instance arose solely from the attempt to prop a depreciated paper currency. He also was convinced that bullion and coin weight for weight must be nearly equal. The variations arising from certain advantages that might attach to each in some circumstances must be but slight, as the one, in spite of law, could be so easily converted into the other. As to the question of depreciation, he need only observe that in the Island of Jersey the notes of their own little bank were at par, or three per cent. better than the Bank of England note. This was decisive proof of a depreciation. But gentlemen seemed blind to these considerations, or, shutting their eyes against the light of demonstration to grope about in the darkness of error and prejudice, feeling their way by the helps of a vicious practice, and altogether regardless of the beacons of sound principle, or a wise and prudent policy. The result of all this must be that, after breaking their shins, knocking their heads against posts, and enduring many hard blows, they might find out the proper path at last. If these gentlemen could shew, that the principles stated with respect to currency were erroneous, that was another thing, but they admitted the principles, and then argued that they ought to adhere to no principle at all. For his own part he thought that injustice had been done to the country Banks, in saying that their paper had been the cause of depreciation, since they were subject to a check, from which the Bank of England was free. But at any rate it had been admitted that their paper increased only owing to the increase of that of the Bank of England. It was therefore rather hard to blame the country Banks.

This attack upon the country banker [illegible] reminded him of a story in Gil Blas [illegible] When the band of robbers in the f [illegible] were, by way of amusement, relating each his birth, education, and adventures, one of them observed that he was the son of the nurse of the prince of Asturias, and that he had had the honour when a child to be brought up with the prince, but, added he, "it unfortunately happened that whenever the prince committed a fault, I was whipped for it." Such was exactly the case of the country bankers. They suffered the reprobation which was exclusively the due of the Bank of England system. The country Banks grew out of the Bank of England system, and rose with it; but now that a depreciation had been produced by the excessive issue of the paper of the former, gentlemen were disposed to shew a courtly tenderness for that institution, however ready to visit its faults upon the heads of the innocent country bankers.

Whatever differences of opinion might prevail upon other parts of the case, it was to him astonishing that any doubt could possibly be entertained of the fact of a considerable depreciation, when guineas were sold at twenty five shillings each—when, in the purchase of any article, a material distinction was made between a payment in gold and a payment in paper, and when it was perfectly known and notorious that two prices were common throughout the country. He could say from his own experience that such was the case. He could assure the Committee, that he had been offered wine at far different prices, according as he should pay for it, either in specie or in depreciated Bank paper. The question at issue, then, was reducible to this: on one side it was contended that Bank paper was depreciated, and this position was proved by the high price of bullion and the low rate of exchange; on the other hand it was denied that any depreciation had taken place, and in support of this assertion, it was urged that the price of bullion was enhanced by the scarcity of the article, and that the depression of the exchange arose from the state of our trade, and would be removed whenever commerce should be restored to its wonted activity and prosperous condition. If this were the case, he was very much disposed to question the probability of any speedy improvement of the state of the exchange, as he could not foresee any prospect of [illegible] restoration of commerce to its former [illegible]

[illegible] d with the eloquent and able mover of the Resolutions in the principles detailed in his speech, but he was far from being satisfied on the subject of the remedy proposed. He feared that the system must be permitted to take its course.—The inscription on the gate of Dante's Hell might very appropriately be applied to it—"You who enter here, leave all hope of returning behind." He saw no reason to believe that the Bank would ever be able to recover itself. Reverting however to the state of the exchange, he must mention an instance in point from Dr. Adam Smith, a wild theorist—not a practical man, and therefore his authority might be of great consequence with those who paid no regard to principles. This instance had been stated in the Bullion Report, and referred to the Land Bank of Scotland, instituted upon Mr. Law's principle. Many millions of landed property were pledged for its security. When pressed with a hard run, its notes contained an optional clause, to pay immediately, or at the end of six months, with legal interest. Yet while the exchange between London and Carlisle was at par, that between London and Dumfries, the latter not more than 30 miles from Carlisle, was four per cent. against Dumfries, where the notes in question circulated. This was a complete proof of the effect of a depreciated currency on the exchange.

As to the nature of a standard or a measure of depreciation, about which so much had been said, it was difficult to ascertain what it should be fixed at, for different reasons; but he thought that instead of making gold or silver the standard, it would be better to fix on the assize of bread, and if this was taken, it would appear, that in the fourteen years before the Bank Restriction Bill, it had been at 7½*d.* the quartern loaf, and now it was at 1*s.* 2½*d.* which fully proved the case. He might be asked, however, what remedy he had to propose, for the evils which existed, as he was not disposed to acquiesce in those which had been offered. He confessed it was a difficult and delicate matter to offer an opinion upon such a complicated subject. It must be obvious to every person capable of forming any idea upon the subject, that the remedy should not only be applicable to the entire correction of the evil, but so guarded and qualified, as to prevent its operation from becoming more injurious than the disease it may be intended to cure. As things stood at present, he must contend, that if the sound state of the currency were to be restored without the collateral guards to which he had alluded, it would be impossible for the country to pay in sound coin of standard value, the enormous pensions and salaries at present enjoyed, besides the army and navy expenditure, together with the interest of the debt, created with a view to the progressive state of depreciation. Considering the rate at which we were proceeding, the interest of the debt would probably, at no very distant period, amount to 50 or 60 millions. How could the people pay this in sound currency? But then again, it might be said, "what remedy have you?" That was a hard question. He could not save a dying man. But he must blame those who produced the disease, and carried on the delusion, which began with the funding system, and would ultimately prove its destruction. He thought, however, something should be done for the security of funded property, which would be ruined. The country had derived no benefit from this measure of restriction. The Bank had derived great profit from it. It had forfeited its commercial character by becoming a tool of the minister of the day; and, as in the South Sea scheme, he thought the estates of the directors ought to be made liable for the losses sustained by the public creditor in consequence of the restriction. That being his opinion, he would not shrink from declaring it.

Mr. *Wilberforce* said there was, in his opinion, but one way of getting quit of the increasing evil at present felt by the country. The consequence of proceeding in our present course must inevitably be ruinous to the country; and the first opportunity should be taken of reverting, if possible, to a better state of things. It appeared to him, that the members of the Committee in general, and the learned gentleman who opened the discussion, had been placed in a very hard situation. They were bound to declare their opinion as to the true line of policy which they conceived proper to be adopted by the House; yet all who had opposed them had considered them in the light of persons who had come voluntarily forward, and proposed measures of the utmost danger to the country if agreed to. They were bound to discharge their duty in the manner in which they had performed it: they were bound to point out what they conceived to be the causes of the high price of bullion and of the low rate of exchange. But whatever may be thought of the labours of the Committee, it was not to their opinions to which the Committee had to look; they had only to look to the present state of our circulation. All of them knew how likely that circulation was to be affected by the conduct of the Directors of the Bank; all of them knew the conduct of those Directors; the Committee stated what that conduct ought to have been; and it was now the duty of the House seriously to determine, whether the opinion of the Bank or of their own Committee should receive their sanction and approbation. When the Bank Directors had told, clearly and explicitly, what their principles were, and when these principles had been adopted by the right hon. gentleman (Mr. Vansittart), the Directors might say, and with great justice, that in rejecting the recommendation of the Committee, the House had bestowed on those opinions a tacit approbation. For the Directors he entertained the highest respect; and he sincerely believed that they had discharged their duty with every respect for the public interest; but their eyes were not opened to the magnitude of the duties they were called on to discharge, and to the effect of the measures they were pursuing. The Directors of the Bank had made no secret of the principles upon which they had acted. They had told the Committee, and had argued in the course of the present discussion, that there would be no excess of paper issues, so long as the discounts were confined to persons of established responsibility, upon *bonâ fide* mercantile transactions, and for periods not exceeding two months. They had gone further; they had declared to the Committee, to Parliament, and to the public, that, according to their views and principles, they could not conceive, that any difference in the rate of interest, whether it was five, four, or three per cent. on their discounts, could make any alteration as to the security against an over issue. It was time for Parliament to interfere, when the Directors of the Bank avowed that, if the interest were to be reduced to three per cent. there was no danger of excess whilst their issues were regulated upon the principles they had laid down for their conduct in their discounts. When those gentlemen had shewn themselves to be so little aware of the danger to be apprehended from their conduct, it was the duty of that House to take measures to check the indefinite extension of the circulating medium.

The hon. gentleman then proceeded to illustrate what his own opinions on this subject were, which he professed to have been derived from a publication of an hon. friend of his (Mr. Thornton). He said the Bank Directors, without the restrictions, would infallibly take the best course without being aware of it, like the honest citizen in Moliere, who had been speaking prose all his life without knowing it. If they were freed from the principle of providing for their own security, they may issue any quantity of paper, and the gold would leave the country. The country banks, which had been so roughly treated by those who opposed the Committee, hinged entirely on the Bank of England. Perhaps the Committee had not allowed enough for the unprecedented difficulties in the present situation of the country; and these difficulties had much increased since their Report had been framed. Why did the right hon. gent. opposite (Mr. Rose) insist so much on the errors of the Committee, in stating the course of exchange of former times? When he stated that the course of exchange had been formerly against us, he should have stated the difference in the extreme degree; formerly not equal to the expence of transportation, and now above 20 per cent. The same arguments which were now brought forward, might afterwards be brought forward when the country was on the brink of ruin. According to the test of the gentlemen on the opposite side, we should then appear to be in the greatest prosperity, somewhat in the same manner as a person who drops down of an apoplexy, frequently appears, shortly before, in the most perfect luxurious health. Our finances and commerce never appeared so prosperous as during the South Sea bubble. He then adverted to the argument of the right hon. gent. (Mr. Rose) founded on the diminution of the circulating medium since the restriction from 46 millions to 24. He observed, that a new mode of transacting business in the metropolis, rendered less of that circulating medium necessary. Nobody, he said, would bring gold into this country; for to whom were they to bring it? Not to the Bank, for they would not buy it: they had then only to export it again. He lamented that so much had been said about perjury in exporting coin, and thought it would be much better to allow gold to follow the laws of all other commodities. The House of Commons, he said, were the mint, in which were coined the political opinions which pass current throughout the country, and it became them, therefore, to set this question at rest. Whenever the Bank Directors knew the opinion of Parliament to be against their system, they would carry the principles of Parliament silently, but efficiently into execution.

Mr. *Rose* explained. He said the act of 1797 did away two millions of oaths, and he had formerly not charged the Committee with encouraging fraud and perjury, but said that their remedy involved fraud and perjury.

Mr. *Samuel Thornton* disclaimed the idea that the Bank issued paper to an unlimited amount: every one of the 24 gentlemen at its head had a vote whether each sum was or was not too high. The discounting of bills was not the only means of issuing their paper, much being issued on government securities. The Bank of England at their beginning vested their capital in government securities. Why should not country bankers vest a part of their capital in the same way? After adverting to the Resolutions of Mr. Horner, he expressed his conviction that there would be no limit to the distress and embarrassment that must follow the restoration of cash payments, under circumstances like the present, the necessary effect of which must be to compel the Bank to draw in their issues. As to what had been said of those states in which there was no paper currency, it should be recollected that this was, because they had no credit to support.

Mr. *Whitbread* declared, that after so many speeches of consummate ability had been delivered in proof and demonstration of the depreciated state of our currency, he should have felt that some apology was due from him to the House for rising on this occasion, and at so late an hour; but the hon. director who had just spoken, had opened so new and so tremendous a scene, as to call in the most imperious manner for some animadversion. After hearing him declare that the Bank must be ruined, that it could not go on if compelled to return to cash payments, and after comparing this declaration with the opinion of another Bank director, who last night argued that our currency was the destructive effect of our destructive system of finance, and after seeing that both differed in their views with the right hon. the Chancellor of the Exchequer, it became the House of Commons, indeed to pause and deliberate well on a question so big with the fate of the country. It was his decided opinion that the House ought to stop nothing short of fixing a period for the resumption of cash payments. The Bank Company, who had been convicted of error, but not convinced of it, ought not to be suffered to persevere in a system which must end in national bankruptcy, and national ruin. Those who opposed the Resolutions charged their opponents with inconsistency, while most inconsistent themselves. He denied that the Report was contrary to the evidence given before the Committee. If a period were not now fixed for the resumption of cash-payments, the present system might be considered as made permanent, but the system itself would crumble into dust, and the rags of it would be worth no more than the rags from which they came.

And here he must say, that he coincided fully with the reasonings contained in the speech of a right hon. gent. opposite to him, (Mr. Canning) certainly the best speech which he had ever heard him make in that House. What a contrast did not the sentiments of ministers and the Bank Directors furnish to the avowed principles of Mr. Pitt in originating the Bank restriction! Mr. Pitt denied that any evil could arise from the measure, except after a certain period of duration. That period had been fulfilled, and the predicted evil had arrived. Now, however, it was defended as essential to the maintenance of our commerce and manufactures; and, above all, to the prosecution of the war. There could now remain no doubt that the Bank Directors, that ministers, and that the noble and provident statesman who had so indulged his fancy last night in rioting on the luxuriant blessings of paper currency, now contemplated the restriction as a permanent measure. If Buonaparté were the governor of the Bank, he could not, in that noble lord's opinion, adopt a more injurious measure to this country than the resumption of cash-payments. He had been a little surprised at not seeing a right hon. proselyte and privy counsellor join in this eulogy on depreciated paper. But if this currency was so propitious to industry and manufactures, from what cause was it that they had a petition lying on the table from thirty thousand persons in a condition of the most extreme distress, and urging their wants and their sorrows in the ears of the right hon. the Chancellor of the Exchequer? The doctrine that gold had risen in value, but that paper remained undepreciated, put him in mind of the anecdote of a man who limped, and was very much affronted when he was told that one leg was shorter than the other. No such thing, he exclaimed with indignation, one is longer than the other, that I'll allow you. The estimation in which notes were held was such, that a man might as well try to eat them as to buy a dinner with them, as was known to every one who had travelled. Even in the coffee-houses in the neighbourhood of Westminster, he would ask if a stranger could get any thing to eat or drink for Bank-notes? Though the Restriction Act was to cease to be in force six months after a peace, yet if a peace were concluded to morrow, cash payments would not be resumed within that period. The horrible and tyrannical decrees of Buonaparté, as they were called, which were spoken of as being what could only be expected to be issued by a fiend, gave him no surprise. They were only such as our hostility was calculated to provoke, and to speak of them in such a manner, was like the surprise and indignation of an army sent out to destroy another army, which on finding that it was to attack armed men, might exclaim, "Why? these scoundrels have had the unparalleled villany to come into the field with muskets."

Upon the subject of the exchange the right hon. gent. opposite (the Chancellor of the Exchequer) had, in reply to an hon. friend of his, exclaimed in a triumphant tone, "O happy Hamburgh, O happy Holland, to have been able to have preserved your exchanges!"—This was language not more unjust to his hon. friend than insulting to those fallen states—fallen and prostrate from those fatal wars, to the prolongation of which, he believed, our paper system might have been but too conducive. The only cause of any apparent equivalence being preserved between paper and coin was, unquestionably, the penalties of the law; and he did think, that it would well become men who were true believers, and who prayed to the Divine Being not to lead them into temptation, to abstain from tempting others to perjury and fraud. The opinions which the House was now called on to adopt, were sanctioned by the joint authority of Mr. Pitt and Mr. Fox, and now that their voices were no longer heard among men, the disciples of those great political opponents were seen to unite upon this question. The hon. gent. then proceeded in the most animated strain of eloquence, to draw a picture of the present state of this country, and of its future prospects. He begged the House to consider in what situation they would stand, in case the Resolutions of his hon. friend were refused. He denied that Bank-notes were the same as gold, or that the public thought so. Upon the whole, it appeared to him that any thing short of the Resolutions would afford no remedy. The remedy for all, he would repeat again, was peace; and notwithstanding all that had been said of the states of the Continent, they were prostrate; and if the paper system were followed, this country would in the end be prostrate too.

Mr. *Marryatt* supported the Resolutions, as originally proposed.

Mr. *Horner* then rose to reply, and began by remarking the various attacks which had been made on the Report of the Bullion Committee, both for having reported contrary to evidence, and for not having paid a sufficient deference to the opinions of practical men. He should have considered the Committee, however, as having abandoned its duty, had it acted on any other evidence than such as it deemed conclusive, or had it neglected to form opinions for itself. He did not think the Committee had been very courteously treated by the right hon. gent. (Mr. Rose), and he felt it necessary to reply to some of his observations on several parts of the Report. Mr. Horner then proceeded to vindicate the Committee for having quoted the opinions of Mr. Godfrey and Mr. Drake, the characters and principles of both of whom had been, he contended, wholly mistaken by that right hon. gent. (Mr. Rose).

The hon. gent. then proceeded to comment upon that part of the speech of the right hon. the Chancellor of the Exchequer which referred to the fact of an extraordinary issue of exchequer bills, for the purpose of preventing depreciation. He wished to know if the right hon. gent. meant that exchequer bills should be understood as a part of the circulating medium; if not, that case could not apply, and if he did, it was the first time that he (Mr. H.) was to learn that exchequer bills were any thing else than a mode of raising capital. Upon the subjects of standard and depreciation he should say nothing, for nothing had been left to him to say; they were both as well and as clearly established as any topics could be in an adverse discussion in a popular assembly; but this he would say, that the arguments of the noble lord (Castlereagh) and the right hon. the Chancellor of the Exchequer, admitted indirectly the fact of depreciation. Their argument, that so sudden a return as that of two years to payments in specie, would be productive of incalculable mischief, this argument, he contended, did involve in itself a distinct admission of depreciation; for if the currency had not depreciated, where would be the danger in returning?

Some gentlemen agreed with him in all his Resolutions but the last. He would ask those gentlemen who thus admitted the evil, what other remedy could be recommended for adoption? Was the choice of this remedy to be left to the Bank of England, or would a declaration of the real state of our currency on the part of that House, without assigning or suggesting any remedy, be of itself sufficient to correct the evil? Would not such a declaration on the contrary, have the nattural effect of accelerating the depreciation? There was, in his mind, no practical remedy but the resumption of cash payments. He did not mean the immediate resumption of cash payments, as had been most unfairly presumed, and then most fallaciously argued upon. But the right hon. gent. had deplored the scarcity of gold, and upon this point his expression was rather odd; gold he said, was impossible to be got—Impossible to be got! This from the minister of the first commercial country in the world was somewhat strange! He was almost tempted to ask if the right hon. gentleman could seriously admit the evil of which he (Mr. H.) complained, to be of an extent so serious? He was almost tempted to ask if the mines of America were yet exhausted? The gold leaves this country. Why, because the currency had lost its value here; restore that value by the diminution of its paper issues, and the evil is remedied at once.

In the various instances cited by the other side, from the earlier periods of our history, it was extraordinary that at most of those periods to which those instances refer, the plenty, and not the scarcity of gold was the subject of complaint. In 1697, the Chancellor of the Exchequer of that day had declared the kingdom to be undone by plenty of gold. An hon. friend of his (Mr. Manning) had cited sir Edward Coke, where he assigns even different causes for the then depreciation. Sir E. Coke was rather a delicate authority to cite upon such a subject, as that great lawyer had declared in his second Institute, that gold coin in its unimpaired purity of weight and fineness was "inter regalia et magna corona jura;" but in that very report (too long now to refer to) was to be found abundant matter in support of his views of the question. And here he must refer to an opinion of a right hon. gent. (Mr. Rose), as to the authority of lord Bacon on the subject of depreciation. That right hon. gent. had said, that lord Bacon had not touched upon that part of the question. He (Mr. Horner) here read a passage to the House, stating lord Bacon's opinion thereon. But not to detain the Committee, he stated that he could see no one objection to the experiment, at least, because, if the Bank, after they had endeavoured, and did, in fact, restrict their issues, if they could then come down to the House and say we have restricted our issues and yet the market price of gold has not fallen to the mint price, then, indeed, he admitted that the Bank would have a better reason to question the good effects of their contracting their issues than any of their advocates had yet assigned.

As to certain arguments of the noble lord (Castlereagh) upon the fruitful topic of a paper currency, he could only say that, were he (Mr. Horner) possessed of that noble lord's singular power of reasoning—could he adorn that reasoning with all the florid beauties of the noble lord's as singular eloquence, still he should despair of convincing the Committee that a depreciated forced paper currency could be converted into the strongest sinews of war, and was, in itself, the best and happiest means of prosecuting a prolonged system of warfare to a prosperous issue. (Hear! Hear!) After a variety of other observations equally forcible, Mr. Horner concluded nearly as follows, "If," said he, "there has been a departure from the old and constitutional mode of circulating the legal and substantial currency of the country, the charge of novelty is not imputable to that proposition that would go to restore it. A general rule in the great system of circulating medium has been avowedly violated. I admit that that minister is wise and happy who knows when and how to deviate from a general rule, but I contend, that there is still more wisdom and more felicity in knowing when and under what circumstances that general rule ought to be adhered to; (Hear!) but that above all, the cool trial of wisdom—the true test of fortune is to know, when to return after the success of an apparently justifiable deviation (Hear! hear!); it is indeed, difficult to resist the temptation of temporary expediencies. I shall now conclude, Sir, by reading to the

Committee a passage I met with this morning, preserved by the celebrated Sir Robert Cotton, and cited by him as an extract from a memorial of one of the greatest statesmen this country has produced, a remonstrance to Queen Elizabeth from her ablest minister, lord Burleigh, when at a time that Spain was aiming at universal monarchy (how strange the vicissitudes of empires!) that monarch entertained the notion of making some experiment upon the national currency; the language is simple, but, in my mind, pregnant with wisdom—"It is not by the ends of wit, or by the shifts of devices, that you can defray the expences of a monarchy—but by sound and solid courses."

The Committee then divided on the first of Mr. Horner's Resolutions. Ayes 75—Noes 151—Majority 76. The 14 next Resolutions were then put and negatived without a division; and, on the 16th, or last Resolution, the Committee again divided—Ayes 45, Noes 180. Majority 135.

HOUSE OF LORDS.

Friday, May 10.

Insolvent Debtors Bill.] Upon the motion for the House to resolve itself into a Committee upon this Bill,

Lord *Ellenborough* said, he rose for the purpose of opposing this motion, because he was satisfied the Bill was composed of such mischievous and dangerous matter as would destroy the commercial credit of the country. To the common retail dealers in trade this Bill would be absolute destruction. The creditor was entirely neglected in its provisions, and he was sure that House ought, in all its legislative acts, particularly to attend to the honest and injured creditor. If this measure passed into a law, a debtor, whatever might be his conduct, provided it were not an offence coming under the description of obtaining goods by false pretences, which was made, in some instances, a transportable offence, would have the power of claiming the benefit of it, whereby he could remain no longer in prison than six months. Was it reasonable that debts generally contracted otherwise than criminally, should be subjected to so small a degree of punishment? In addressing himself to their lordships as landholders, he would put the case—suppose they had a tenant under a lease, and he were to injure the premises, hew down and destroy a family mansion, plough up an ancient pasture, and use means which rendered the whole estate sterile and barren; in short, if he were to commit to the greatest extent all the acts of voluntary waste, what would their lordships think, when, by this Bill, after they had proceeded against him, and obtained damages, he could surrender his effects, and after remaining six months in prison, walk out of gaol and laugh at his creditor? The Bill in its principle was full of vicious objections, and he should therefore oppose the motion for going into a Committee.

The Earl of *Moira* declared, such was his respect for the opinion of his noble and learned friend, that he never rose in that House to state his sentiments in opposition to such an opinion, but he felt that diffidence which made him distrust his own judgment. But on a question of this nature he had gained such experience from turning his attention to it during a succession of years, that he felt himself confident of having some clear knowledge on the subject. Could their lordships say that there were not evils of great magnitude, which this Bill went to remove? No man would pretend to state, that the noble and learned lord who introduced the measure did not mean to have it understood, this was a measure which might not require future amendment? The Bill was not that which accorded with his own notions of what it ought to be, but that would not prevent him from giving it his firm support, for he was persuaded some measure of this description was absolutely due to the justice of our laws, and was confidently expected by the people of this country. All provisions of a legislative nature, when first made, to remove abuses or evils, were experiments, because at the time of framing a law it was impossible for human foresight to calculate all its consequences, or to anticipate all its collateral bearings. But after their entry on their journals of the evils, the abominable and oppressive grievances, which had arisen out of the present practice, that House was pledged to introduce this, or a similar measure, for the purpose of removing such evils; and if they should abandon every mode of putting an end to so much cruel oppression, their characters would be covered with indelible disgrace in the eyes of the country. The present system of practice, he contended, was a mass of rubbish and of oppression, that ought to be entirely removed; the soil ought to be removed from under it, before any superstructure of justice could be erected on its foundations. Indeed it was a system contrary to all the general principles of our law, that an individual should have it in his power, at his own will and caprice, to hold in prison, for an unlimited time, one of his fellow-subjects. His noble and learned friend had certainly mistaken the object of the Committee; for he could assert, and assert it without a possibility of contradiction, that in that Committee the same regard was equally extended to the creditor and the debtor. But would his noble and learned friend say, that it could be any satisfaction to a creditor to hold the body of his debtor in perpetual confinement? The inconveniences of this act might and would be many, which was the consequence of all legal measures, when first provided. But even if all the fanciful evils stated by his noble and learned friend, should, contrary to every probability, really occur, yet it was fair to turn our attention to the other side; for, let all the evils suggested by the unlimited fancy of imagination be put into one scale, and then let all the oppression and cruelty contained in the report be put in the other, and the evils fancied by his noble and learned friend, taking them to be well founded, would be as a feather in the balance. It had been said how this Bill would apply in respect to a tenant committing waste upon an estate; still, that was stating a particular case; and granting such a case deserved a more severe punishment, for God's sake let us provide some other legislative remedy. But would their lordships, for such a solitary objection, resist the remedy which they had pledged themselves to afford to the unfortunate debtor? Why, the debtor was a rich man, and yet he fraudulently wronged his just creditor, by refusing payment, and going to prison; and in the rules of the King's Bench he often lived in affluence and luxury, till the poor creditor, for want of his money, was ruined, and came to a gaol. Let any man read the mass of oppression detailed in the Report of the Committee; it was such that, when he asserted its existence, during the zeal which had existed for twenty years in this cause, it was scarcely credible, because the facts were so enormous and so abominable, that they could scarcely be supposed to exist. Let any one read those facts detailed, and he would defy him to deny the necessity of some legislative provision to remove them; because, if he did, it would damn his character for ever. Without any disrespect to his noble and learned friend (whose opinion he should ever esteem, nor should any contention like the present ever alter the high regard he had for him,) he must press the necessity of some measure like the present, and for that reason he would support this Bill; and he did enjoin his noble and learned friend to offer them his advice and assistance, whereby the Bill might be rendered more beneficial. The dirt and rubbish of the present system must be removed, otherwise no wholesome superstructure could be erected in its place; and he thought this Bill, though not what he wished it to be, would produce that happy effect. For these reasons he opposed the motion of his noble and learned friend.

The *Lord Chancellor* did not intend to support the motion, as he thought it was understood the Bill should pass the Committee, and the objection to its principle might be taken in a further stage. But, indeed, there were so many objectionable parts in the Bill, and he perceived so much difficulty in amending them, that although he was not averse to its principle, yet he was afraid when it should have gone through the Committee, and should have been re-committed again, it would not be that Bill which would permit him to give it his support, in order that it might pass into a law. The machinery was such as, in his opinion, could never operate; and if it could, as it now stood, it was not likely to give relief, without also doing injury. But he would recommend to his noble and learned friend to withdraw his motion, and having made his protest against the principle, he might oppose it in a future stage.

Lord *Ellenborough* was convinced of the purity and justice of the noble earl's disposition, which had led him so often to bring this matter before the House. He meant no sort of incivility to that noble earl, for whom he had so much respect, and he might say friendship; but he must repeat, that all his experience and observation convinced him of the impropriety of passing such a Bill. The clause by which six months' imprisonment might free the debtor from his obligations was particularly obnoxious. He, therefore, using a common phrase, would only say, that he had nothing farther to add; but that he now wished to wash his hands of the business. His own time and attention would, perhaps, be better directed to the discharge of his various duties in another place. As for the Report of the Committee on the Journals, he knew very little of it, and he believed that to be the case with many other noble lords. He concluded by observing, that with respect to the tendency of that document, his noble friend might have the consolation offered to a person, who expressed in his latter days some apprehension lest his writings should do injury to posterity, when the friend of that person bid him be easy on that subject, for nobody had ever read them.

It was then ordered that the motion be withdrawn, and the House went into a Committee.

Earl *Stanhope* said, he did not approve of the present Bill, though he approved of the principle on which it was founded. The noble earl then suggested several amendments to the Bill, particularly one altering the time of confinement.

Lord *Redesdale* opposed this Amendment, as being contrary to the general intention of the measure.

Earl *Stanhope* observed, he should not divide the House, because it would inform the public of their empty benches. Indeed, the House was so thin that he should not press his Amendment; but there was great defect in the machinery of this Bill, and the expenses were so great that it appeared to him like an oyster when it was opened; for the lawyer would eat the inside himself, and one of the shells would be left for the debtor and the other for the creditor. The noble earl, after suggesting some other defects, said, he should leave the Bill in the hands of the noble and learned lord, who might cook it as he pleased, but if he did not admit some alterations, it would not be cooked at all to his taste.

The Earl of *Moira* suggested the propriety of avoiding debate, and for the present to let the Bill proceed through the Committee.

Earl *Stanhope* said there was one defect —it did not punish the parsons—the parsons would by this Bill be freed from the confinement imposed upon others.

The Bill then passed through the Committee.

Lord *Grantley* intimated the difficulty of the present Bill passing into a law; and as there was an expectation justly entertained by debtors, he recommended the propriety of introducing a common Insolvent Debtors' Bill.

Lord *Redesdale* said, it would depend how the House disposed of the present Bill; but he could assure the noble lord, there was not that difficulty of execution apprehended; and it would operate as a Bill of Insolvency, for most of its provisions were exactly similar to those of the last Insolvent Debtors' Bill.

HOUSE OF COMMONS.

Friday, May 10.

Petition of the East India Company.] A Petition of the United Company of merchants of England trading to the East Indies, was presented and read; setting forth; "That, by an act of the 37th year of his present Majesty, to enable the said company to raise money by further increasing their capital stock, and to extend the provisions existing respecting the present stock of the Company to the said increased stock; after reciting, that the affairs of the petitioners required a permanent advance of a considerable sum of money beyond what the petitioners could raise under the powers then vested in them by law, they are authorised and empowered to raise money by enlarging their then capital stock or fund of 6,000,000*l.* to any sum or sums not exceeding the further sum of 2,000,000*l.* capital stock, so that their whole capital stock should not exceed the capital sum of 8,000,000*l.*; and that, by an act passed in the 47th year of his present Majesty, to enable the East India Company to raise money upon bond instead of increasing their capital stock, after reciting the said act of the 37th year of his Majesty, and that the petitioners had not then enlarged their capital stock under and by virtue of the powers contained in the last-mentioned act, it is enacted that it should be lawful to and for the petitioners, by and with the approbation and consent of the board of commissioners for the affairs of India for the time being, at any time or times thereafter, to borrow upon bonds, to be issued under their common seal, any further sum or sums of money not exceeding, in the whole, the sum of 2,000,000*l.* over and above such sum and sums as the petitioners could then lawfully raise on their bonds, and to apply the money so to be borrowed and raised for such purposes as under and by virtue of the said act of the 37th year of his Majesty the money to be raised by enlarging the capital stock of the petitioners was applicable; and by the said act it is provided that when the petitioners should have raised any part of the money which they were thereby authorised to raise by bond, then, so long as such further bond, debt, or any part thereof, should continue, all the money thereafter to be raised, by enlarging the capital stock of the petitioners under and by virtue of the act passed in the 37th year of his Majesty, should be applied towards the reduction of the bond debt of the petitioners until it should be reduced to the sum which the petitioners might then lawfully raise by bond; and in case the petitioners should enlarge their capital stock under/and by virtue of the act passed in the 37th year of his Majesty before they should have increased their bond debt under the authority of the act now in recital, that then the sum which they were thereby empowered to raise on bond should be reduced by the sum of 200*l.* sterling in respect of every 100*l.* capital stock so enlarged, and so in proportion for a greater or less amount of the capital stock which should have been created; and that, since the passing of the last-mentioned act, the petitioners, with such approbation and consent as therein is mentioned, have borrowed upon bonds issued under their common seal such further sum of money as they were thereby empowered to borrow and raise; but they have not yet increased their capital stock under and by virtue of the said act of the 37th year of his Majesty; and that a very considerable sum, part of the debts secured by the engagements of the petitioners in the East Indies, and which was incurred by reason of territorial and political expenses in that country, has lately been discharged in India by means of bills drawn by the governments of the petitioners in the East Indies upon the court of directors of the petitioners in London, and thereby it has become necessary for the petitioners to provide in this country a much larger sum of money than in the ordinary course of their transactions can arise from the sales of their goods and the other ordinary receipts and means of the petitioners; and they would be able to raise the money so wanted upon their own credit, either upon their bonds or by increasing their capital stock under the authority of the said act of the 37th year of his Majesty, or partly in one way and partly in the other, as from time to time may appear most expedient; but they cannot increase their bond debt without the authority of parliament; and if they were to increase their capital stock, the money to be raised thereby would be applicable under the existing provisions of the last-mentioned act, to discharge the bond debt raised under the authority thereof; and that the petitioners are obliged by law to make out their accounts of sales of goods and other matters in this country to the 1st day of March in every year, and therefore were unable to make out their accounts and estimates so as to ascertain the probable amount of the money they would have occasion to raise in the current year till after the time limited by the House for receiving petitions for private Bills was expired; and therefore praying the House to permit the petitioners to present a petition for leave to bring in a Bill to enable them to raise a further sum of money upon bond instead of increasing their capital stock, and to alter some of the provisions in an act passed in the 47th year of his present Majesty relative thereto."

Ordered, That Leave be given to present a Petition as desired. Then the said Petition was presented and read; and ordered to be referred to a Committee of the whole House for Monday next.

DISTILLERIES.] The House having gone into a Committee of Ways and Means,

The *Chancellor of the Exchequer* said, he supposed he had sufficiently explained in his notice of yesterday the object of his present motion, which was to provide a substitute for the duties in the Distillation Bill, that lately failed in the other House. He had to propose that a duty should be imposed on spirits distilled from grain, equal to the duty proposed to be imposed on spirits distilled from sugar. It appeared that spirits distilled from grain were in greater favour with the people of this country than those distilled from sugar. He meant, then, to propose that a duty of 4½*d.* per gallon should be laid on corn wash, which would yield probably a sum not less than 400,000*l.* To protect our home spirits, he should also move, that an additional sum be imposed on imported spirits from abroad, with the exception of rum, which would still, however, leave the duty on rum higher than that on other spirits. There was still a more difficult question to be settled, and that was the countervailing duties on spirits between Great Britain and Ireland. The great difficulty was between Scotland and Ireland; for the countervailing duty between Great Britain and Ireland did not apply altogether to Scotland, which differed materially from England, and differed with itself in the Highlands and Low Country, so that what would be a proper countervailing duty in one district could not be so in another. The duty of 4½*d.* per gallon of wash or spirits in England, amounting to 1*s.* 11¾*d.* on the gallon of spirits, might be balanced by a countervailing duty of 1*s.* 11¾*d.* on spirits from Ireland; but the difference of manufacture in Scotland rendering a smaller duty necessary, and in the Highlands of Scotland still smaller, the duty of 1*s.* 11¾*d.* from Ireland to England would be more than a countervailing duty on spirits imported into Scotland. He did not know well how to meet the difficulty respecting Scotland, which had now so decided an advantage over Ireland, but so far from having any thing like the indisposition to attend to the concerns of the latter country, with which he had been charged, he was willing to attend to every suggestion from both sides of the House, and to adopt whatever should be most agreeable to their wishes.

Upon the subject of the countervailing duties, some conversation took place, in which sir John Newport, Mr. Hutchinson, Mr. Foster, and Mr. Western, severally stated their sentiments.

Sir *John Newport* thought that, in order to do away the difficulties that occurred as to drawbacks, there ought to be a Bill to make every person, who claimed drawbacks, shew that he paid as much duty as the drawbacks claimed amounted to.

Mr. *Hutchinson* suggested, that there should be a Bill to enable the Scotch distillers to warehouse spirits in the same way as in Ireland.

The several Resolutions were agreed to, and the Report was ordered to be received on Monday.

APPENDIX.

APPENDIX.

APPENDIX.

APPENDIX

TO THE

PARLIAMENTARY DEBATES,

VOL. XIX.

DEBATES IN THE YEAR 1810, UPON SIR SAMUEL ROMILLY'S BILLS FOR ABOLISHING THE PUNISHMENT OF DEATH FOR STEALING TO THE AMOUNT OF FORTY SHILLINGS IN A DWELLING HOUSE, FOR STEALING TO THE AMOUNT OF FIVE SHILLINGS PRIVATELY IN A SHOP, AND FOR STEALING ON NAVIGABLE RIVERS.

Since the appearance of the 15*th,* 16*th, and* 17*th Volumes of this Work, containing the Parliamentary Debates for the Year* 1810, *a Pamphlet, bearing the above Title, and edited by Basil Montagu, Esq., has been published at the request of a "Society for the Diffusion of Knowledge respecting the Punishment of Death and the Improvement of Prison Discipline." As many of the Speeches in this Pamphlet are reported more fully than they are in the Parliamentary Debates, it has been thought proper, in compliance with the wishes of several Subscribers, to republish and preserve them in this Collection.*

HOUSE OF COMMONS,

February 9, 1810.

[See Vol. xv. p. 366.]

Sir *Samuel Romilly* said, that, agreeably to the notices which had been given during the last and present sessions, he rose for the purpose of proposing some alterations in the Criminal Law of this country: and, whatever might be the fate of the motion which it was his intention to submit to the consideration of the House; whether his sentiments were ultimately sanctioned by the approbation of the legislature, or were deemed inexpedient; he should enjoy the consolation of having endeavoured, to the best of his ability, to discharge what he had long considered a very sacred duty. It was not his nature to be sanguine in his expectations of immediate success: this question had, however, been so frequently investigated, that he did entertain some hope that the Bill which he should have the honour to propose would be suffered to pass into a law: but if his hopes were fallacious, if the bills were rejected, he should not be without the satisfaction of knowing that, by exciting inquiry upon these important subjects, his endeavours would not be wholly useless.

The alterations which it was his intention during this session to suggest, would be confined, 1st, to the infliction, in certain cases, of the punishment of death; and, 2dly, to the policy of transporting persons for a term of years, or for the whole of life, to New South Wales. Upon the present occasion he must request the attention of the House to the law respecting capital punishments: the consideration of the law and practice of transportation he should defer till some future day.

The frequency of capital punishments appeared to him, and he was satisfied must appear to the whole House, to be a subject deserving of the most serious inquiry. If this sad necessity did exist, it was a ne cessity of which we ought to be fully satisfied, and, when satisfied, must all deplore: but of the expediency of such inflictions the most grave doubts had been entertained by some of the most enlightened of mankind. The indiscriminate application, in this country, rather of the sentence than of the execution, had long been the subject of complaint: and, like many other subjects of complaint, remained unaltered. At this he did not murmur, nor should he despair. The progress of improvement could not, and perhaps ought not, instantly to be expected when opposed to practices which have existed for ages. Did we not see, that the principles so triumphantly established by Dr. Adam Smith, were yet a dead letter, in opposition to the numerous evils which he has so clearly detected, and so satisfactorily explained?

[*] There is probably no other country in the world in which so many and so great a variety of human actions are punishable with loss of life as in England. These sanguinary statutes, however, are not carried into execution. For some time past the sentence of death has not been executed on more than a sixth part of all the persons on whom it has been pronounced, even taking into the calculation crimes the most atrocious and the most dangerous to society, murders, rapes, burning of houses, coining, forgeries, and attempts to commit murder. If we exclude these from our consideration, we shall find that the proportion which the number executed bears to those convicted is, perhaps, as one to twenty: and if we proceed still further, and, laying out of the account burglaries, highway robberies, horse-stealing, sheep-stealing, and returning from transportation, confine our observations to those larcenies, unaccompanied with any circumstance of aggravation, for which a capital punishment is appointed by law, such as stealing privately in shops, and stealing in dwelling-houses and on board ships, property of the value mentioned in the statutes, we shall find the proportion of those executed reduced very far indeed below that even of one to twenty.

This mode of administering justice is supposed by some persons to be a regular, matured, and well-digested system. They imagine, that the state of things which we see existing, is exactly that which was originally intended; that laws have been enacted which were never meant to be regularly enforced, but were to stand as objects of terror in our statute-book, and to be called into action only occasionally, and under extraordinary circumstances, at the discretion of the judges. Such being supposed to be our criminal system, it is not surprizing that there should have been found ingenious men to defend and to applaud it. Nothing, however, can be more erroneous than this notion. Whether the practice which now prevails be right or wrong, whether beneficial or injurious to the community, it is certain it is the effect not of design, but of that change which has slowly taken place in the manners and character of the nation, which are now so repugnant to the spirit of these laws, that it has become impossible to carry them into execution.

There probably never was a law made in this country which the legislature that passed it did not intend should be strictly enforced. Even the act of queen Elizabeth, which made it a capital offence for any person above the age of fourteen to be found associating for a month with persons calling themselves Egyptians, the most barbarous statute, perhaps, that ever disgraced our criminal code, was executed down to the reign of king Charles the 1st, and lord Hale mentions 13 persons having in his time been executed upon it at one assizes. It is only in modern times that this relaxation of the law has taken place, and only in the course of the present reign that it has taken place to a considerable degree. If we look back to remote times, there is reason to believe that the laws were very rigidly executed. The materials, indeed, from which we can form any judgment on this subject, are extremely scanty; for in this, as in other countries, historians, occupied with recording the actions of princes, the events of wars, and the negotiations of treaties, have seldom deigned to notice those facts from which can be best collected the state of morals of the people, and the degree of happiness which a nation has at any particular period enjoyed. Sir John Fortescue, the chief justice, and afterwards the chancellor of Henry 6, in a very curious tract on absolute and limited monarchy, in which he draws a comparison between England and France, says, that at that time more persons were executed in England for robberies in one year than in all France in seven. In the long and sanguinary reign of Henry 8, it is stated by Hollinshed that 72,000 persons died by the hands of the executioner, which is at the rate of 2,000 in every year. In the time of queen Elizabeth, there appears to have been a great relaxation of the penal laws, but not on the part of the crown; and sir Nicholas Bacon, the lord keeper, in an earnest complaint which he makes to parliament on the subject, says, it remains to see in whose default this is;" and he adds, "certain it is, that her majesty leaveth nothing undone meet for her to do for the execution of laws;" [D'Ewe's Journ. 234.] and it is related, that in the course of her reign 400 persons were upon an average executed in a year.

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[*] Soon after this debate sir Samuel Romilly published the substance of his speech, from which the statement beginning at the words "There is probably" is copied. The subjoined advertisement was prefixed to the tract published by sir Samuel.

"The following observations contain the substance of a speech delivered in the House of Commons on the 9th Feb. 1810, on moving for leave to bring in bills to repeal the Acts of 10 and 11 William 3, 12 Anne, and 24 Geo. 2, which make the crimes of stealing privately in a shop, goods of the value of 5*s.*; or in a dwelling house, or on board a vessel in a navigable river, property of the value of 40*s.*, capital felonies. Some arguments are added, which on that occasion were suppressed, that the patience of the House might not be put to too severe a trial. The attempt to refute Dr. Paley in particular, is here considerably enlarged. The arrangement of these observations is certainly very defective; they contain repetitions which might have been avoided, and inaccuracies of style which might have been corrected, if the author's occupations would have allowed of his rendering this pamphlet as little unworthy of being offered to the public as he could have wished: but to be useful, it was necessary that this publication should appear before the fate of the bills, which are now depending in parliament, was decided; and his only object in publishing it is, that it may be useful."

These statements, however, it must be admitted, are extremely vague and uncertain, and it is not till about the middle of the last century that we have any accurate information which can enable us to compare the number capitally convicted with the number executed. Sir Stephen Jansen, who was chamberlain of London, preserved tables of the convicts at the Old Bailey and of the executions. These tables have been published by Mr. Howard, and they extend from 1749 to 1772. From them it appears, that in 1749 the whole number convicted capitally in London and Middlesex was 61, and the number executed 44, being above two-thirds. In 1750 there were convicted 84, and executed 56; exactly two thirds. In 1751, convicted 85, executed 63; about three fourths. In the seven years which elapsed, from 1749 to 1756 inclusive, there were convicted 428, executed 306; rather less than three-fourths. From 1756 to 1764, of 236 convicted, 139 were executed; being much more than half. From 1764 to 1772, 457 were convicted, and of these 233 were executed; a little more than half. From this period to 1802 there has not been published any accurate statement on this subject. But from 1802 to 1808 inclusive, there have been printed, under the direction of the Secretary of State for the Home Department, regular tables of the number of persons convicted capitally; and of those on whom the law has been executed; and from these we find, that in London and Middlesex the numbers are as follows:

	Convicted.	Executed.	
In 1802	97	10	about 1-10th
1803	81	9	—— 1-9th
1804	66	8	about 1-9th
1805	63	10	about 1-6th
1806	60	13	about 1-5th
1807	74	14	about 1-5th
1808	87	3	—— 1-29th
Total	528	67	rather more than 1-8th.

It appears, therefore, that at the commencement of the present reign, the number of convicts executed exceeded the number of those who were pardoned; but that at the present time, the number pardoned very far exceeds the number of those who are executed. This lenity I am very far from censuring; on the contrary, I applaud the wisdom as well as the humanity of it. If the law were unremittingly executed, the evil would be still greater, and many more offenders would escape with full impunity: much fewer persons would be found to prosecute, witnesses would more frequently withhold the truth which they are sworn to speak, and juries would oftener in violation of their oaths acquit those who were manifestly guilty. But a stronger proof can hardly be required than this comparison affords, that the present method of administering the law is not, as has been by some imagined, a system maturely formed and regularly established, but that it is a practice which has gradually prevailed, as the laws have become less adapted to the state of society in which we live.

There is no instance in which this alteration in the mode of administering the law has been more remarkable, than in those of privately stealing in a shop or stable, goods of the value of five shillings, which is made punishable with death by the statute of 10 and 11 William 3, and of stealing in a dwelling-house property of the value of forty shillings, for which the same punishment is appointed by the statute of 12 Anne, and which statutes it is now proposed to repeal. The exact numbers cannot, from any thing that has hitherto been published, be correctly ascertained; but from sir Stephen Janssen's tables it appears, that after laying out of the calculation the numbers convicted of murder, burglary, highway robbery, forgery, coining, returning from transportation, and fraudulent bankruptcies, there remains convicted at the Old Bailey of shop-lifting and other offences of the same nature, in the period from 1749 to 1771, 240 persons, and of those no less than 109 were executed.

What has been the number of persons convicted of those offences within the last seven years does not appear; but from the tables published under the authority of the secretary of state, we find that within that period there were committed to Newgate for trial, charged with the crime of stealing in dwelling-houses, 599 men and 414 women; and charged with the crime of shop-lifting, 506 men and 353 women; in all 1,872 persons, and of these only one was executed.

In how many instances such crimes have been committed, and the persons robbed have not proceeded so far against the offenders as even to have them committed to prison: how many of the 1,872 thus committed were discharged, because those who had suffered by their crimes would not appear to give evidence upon their trial: in how many cases the witnesses who did appear with-held the evidence that they could have given: and how numerous were the instances in which juries found a compassionate verdict, in direct contradiction to the plain facts clearly estblished before them, we do not know; but that these evils must all have existed to a considerable degree, no man can doubt.

Notwithstanding these facts, however, and whether this mode of administering justice be the result of design or of accident, there are many persons who conceive that it is upon the whole wise and beneficial to the community. It cannot, therefore, but be useful to examine the arguments by which it is defended. Discussions on such subjects are always productive of good. They either lead to important improvements of the law, or they afford additional reasons for being satisfied with what is already established.

It is alledged by those who approve of the present practice, that the actions which fall under the cognizance of human laws are so varied by the circumstances which attend them, that if the punishment appointed by the law were invariably inflicted for the same species of crime, it must be too severe for the offence, with the extenuating circumstances which in some instances attend it, and it must in others fall short of the moral guilt of the crime, with its accompanying aggravations: that the only remedy for this, the only way in which it can be provided that the guilt and the punishment shall in all cases be commensurate, is to announce death as the appointed punishment, and to leave a wide discretion in the judge of relaxing that severity, and substituting a milder sentence in its place.

If this be a just view of the subject, it would render the system more perfect, if in no one case specific punishments were enacted, but it were always left to the judge, after the guilt of the criminal had been ascertained, to fix the punishment which he should suffer, from the severest allowed by our law, to the slightest penalty which it knows; and yet what Englishman would not be alarmed at the idea of living under a law which was thus uncertain and unknown, and of being continually exposed to the arbitrary severity of a magistrate? All men would be shocked at a law which should declare that the offences of stealing in shops or dwelling-houses, or on board ships, property of the different values mentioned in the several statutes, should in general be punished with transportation, but that the king and his judges should have the power, under circumstances of great aggravation, respecting which they should be the sole arbiters, to order that the offender should suffer death; yet such is in practice the law of England.

In some respects, however, it would be far better that this ample and awful discretion should be formally vested in the judges, than that the present practice should obtain; for it would then be executed under a degree of responsibility which does not now belong to it. If a man were found guilty of having pilfered in a dwelling house, property worth forty shillings, or in a shop that which was of the value only of five shillings, with no one circumstance whatever of aggravation, what judge whom the constitution had intrusted with an absolute discretion, and had left answerable only to public opinion for the exercise of it, would venture for such a transgression to inflict the punishment of death; but if in such a case, the law having fixed the punishment, the judge merely suffers that law to take its course, and does not interpose to snatch the miserable victim from his fate, who has a right to complain? A discretion to fix the doom of every convict, expressly given to the judges, would in all cases be most anxiously and scrupulously exercised; but appoint the punishment by law, and give the judge the power of remitting it, the case immediately assumes a very different complexion. A man is convicted of one of those larcenies made capital by law, and is besides a person of very bad character. It is not to such a man that mercy is to be extended; and, the sentence of the law denouncing death, a remission of it must be called by the name of mercy; the man, therefore, is hanged; but in truth it is not for his crime that he suffers death, but for the badness of his reputation. Another man is suspected of a murder, of which there is not legal evidence to convict him; there is proof, however, of his having committed a larceny to the amount of forty shillings in a dwelling-house, and of that he is convicted. He, too, is not thought a fit object of clemency, and he is hanged, not for the crime of which he has been convicted, but for that of which he is only suspected. A third upon his trial for a capital larceny attempts to establish his innocence by witnesses whom the jury disbelieve, and he is left for execution, because he has greatly enhanced his guilt by the subornation of perjured witnesses. In truth, he suffers death, not for felony, but for subornation of perjury, although that be not the legal punishment of this offence.

If so large a discretion as this can safely be intrusted to any magistrates, the legislature ought at least to lay down some general rules to direct or assist them in the exercise of it, that there might be, if not a perfect uniformity in the administration of justice, yet the same spirit always prevailing, and the same maxims always kept in view; and that the law, as it is executed, not being to be found in any written code, might at least be collected with some degree of certainty from an attentive observation of the actual execution of it. If this be not done, if every judge be left to follow the light of his own understanding, and to act upon the principles and the system which he has derived partly from his own observation, and his reading, and partly from his natural temper and his early impressions, the law, invariable only in theory, must in practice be continually shifting with the temper, and habits, and opinions of those by whom it is administered. No man can have frequently attended our criminal courts, and have been an attentive observer of what was passing there, without having been deeply impressed with the great anxiety which the judges feel to discharge most faithfully their important duties to the public. Their perfect impartiality, their earnest desire in every case to prevent a failure of justice, to punish guilt, and to protect innocence, and the total absence with them of all distinctions between the rich and the poor, the powerful and the unprotected, are matters upon which all men are agreed. In these particulars the judges are all actuated by one spirit, and the practice of all of them is uniform. But in seeking to attain the same object, they frequently do, and of necessity must, from the variety of opinions which must be found in different men, pursue very different courses. The same benevolence and humanity, understood in a more confined or a more enlarged sense, will determine one judge to pardon and another to punish. It has often happened, it necessarily must have happened, that the very same circumstance which is considered by one judge as matter of extenuation, is deemed by another a high aggravation of the crime. The former good character of the delinquent, his having come into a country in which he was a stranger to commit the offence, the frequency or the novelty of the crime, are all circumstances which have been upon some occasions considered by different judges in those opposite lights; and it is not merely the particular circumstances attending the crime, it is the crime itself, which different judges sometimes consider in quite different points of view.

Not a great many years ago, upon the Norfolk circuit, a larceny was committed by two men in a poultry yard, but only one of them was apprehended; the other having escaped into a distant part of the country, had eluded all pursuit. At the next assizes the apprehended thief was tried and convicted: but lord Loughborough, before whom he was tried, thinking the offence a very slight one, sentenced him only to a few months imprisonment. The news of this sentence having reached the accomplice in his retreat, he immediately returned, and surrendered himself to take his trial at the next assizes. The next assizes came; but, unfortunately for the prisoner, it was a different judge who presided; and still more unfortunately, Mr. Justice Gould, who happened to be the judge, though of a very mild and indulgent disposition, had observed, or thought he had observed, that men who set out with stealing fowls, generally end by committing the most atrocious crimes; and building a sort of system upon this observation, had made it a rule to punish this offence with very great severity, and he accordingly, to the great astonishment of this unhappy man, sentenced him to be transported. While one was taking his departure for Botany Bay, the term of the other's imprisonment had expired: and what must have been the notions which that little public, who witnessed and compared these two examples, formed of our system of criminal jurisprudence?

In this uncertain administration of justice, not only different judges act upon different principles, but the same judge, under the same circumstances, acts differently at different times. It has been observed, that in exercise of this judicial discretion, judges, soon after their promotion, are generally inclined to great lenity; and that their practical principles alter, or, as it is commonly expressed, they become more severe as they become more habituated to investigate the details of human misery and human depravity.

Let us only reflect how all these fluctuations of opinion and variations in practice must operate upon that portion of mankind who are rendered obedient to the law only by the terror of punishment. After giving full weight to all the chances of complete impunity which they ca suggest to their minds, they have b sides to calculate upon the probabiliti which there are, after conviction, their escaping a severe punishment; t speculate upon what judge will go th circuit, and upon the prospect of its bein one of those who have been recently el vated to the bench. As it has been trul observed, that most men are apt to confid in their supposed good fortune, and to mis calculate as to the number of prizes whic there are in the lottery of life, so are thos dissolute and thoughtless men, whose ev dispositions penal laws are most necessar to repress, much too prone to deceive themselves in their speculations upon what am afraid they accustom themselves t consider as the lottery of justice.

Let it at the same time be remembere that it is universally agreed, that the certainty of punishment is much more efficacious than any severity of example for th prevention of crimes. Indeed this is s evident, that if it were possible that punishment, as the consequence of guilt, coul be reduced to an absolute certainty, a very slight penalty would be sufficient to prevent almost every species of crime, excep those which arise from sudden gusts of ungovernable passion. If the restoration o the property stolen, and only a few weeks or even a few days imprisonment, were the unavoidable consequence of theft, n theft would ever be committed. No man would steal what he was sure that he could not keep; no man would, by a voluntary act, deprive himself of his liberty, though but for a few days. It is the desire of a supposed good which is the incentive to every crime; no crime, therefore, could exist, if it were infallibly certain that not good, but evil must follow, as an unavoidable consequence to the person who committed it. This absolute certainty, however, is unattainable, where facts are to be ascertained by human testimony, and questions are to be decided by human judgments. All that can be done is, by a vigilant police, by rational rules of evidence, by clear laws, and by punishments proportioned to the guilt of the offender, to approach as nearly to that certainty as human imperfection will admit.

There is another point of view in which this matter may be considered; and which will make it evident that it would be more expedient that the judges should have the power vested in them by law, of appointing the punishment of every of-ence after it had been established with all its circumstances in proof, and of proportioning the particular nature and degree of the punishment to those circumstances, han that, for such offences as I am speaking of, so severe a punishment should be ixed by law, with a power left in the udges according to circumstances, to relax t. In the former case it is highly probable that the discretion would in practice be exercised by none but the judges, that s, by magistrates accustomed to judicial nvestigations, fully aware of the importance of the duties which they are called on to discharge, and who, from the eminence of their stations, are, and cannot but be, sensible, that they are under a very great degree of responsibility to the public. According to the practice which now prevails, this most important discretion is constantly assumed by persons to whom the constitution has not intrusted it, and to whom it certainly cannot with the same safety be intrusted; by prosecutors, by juries, and by witnesses. Though for those thefts which are made capital by law, death is seldom in practice inflicted; yet as it is the legal appointed punishment, prosecutors, witnesses, and juries, consider death as that which, if it will not with certainty, yet possibly may be the consequence, of the several parts which they have to act in the judicial proceeding: and they act their parts accordingly, though they never can, in this indirect way, take upon themselves to prevent the execution of the law, without abandoning their duty; and in the case of jurymen and witnesses, without a violation of their oaths.*

There is still another view which may be taken of this subject, and which is perhaps more important than those which have been already considered. The sole object of human punishments, it is admitted, is the prevention of crimes; and to this end, they operate principally by the terror of example. In the present system, however, the benefit of example is entirely lost, for the real cause of the convict's execution is not declared in his sentence, nor is it in any other mode published to the world. A man is publicly put to death. All that is told to the spectators of this tragedy, and to that part of the public who hear or who read of it, is, that he stole a sheep, or five shillings' worth of goods privately in a shop, or that he pilfered to the value of forty shillings from his employer in a dwelling-house, and they are left in total ignorance that the criminal produced upon his trial perjured witnesses to prove an alibi, or some other defence, and that it is for that aggravation of his crime that he suffers death. The example cannot operate to prevent subornation of witnesses to establish a false defence, for it is not known to any but those who were present at the trial, that such was the offender's crime; neither can it operate to prevent sheep-stealing, or privately stealing in a shop, or larceny in a dwelling-house, because, it is notorious that these are offences for which, if attended with no aggravating circumstances, death is not in practice inflicted. Nothing more is learned from the execution of the sentence, than that a man has lost his life because he has done that which by a law not generally exe-

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* The latitude which juries allow themselves in estimating the value of property stolen, with a view to the punishment which is to be the consequence of their verdict, is an evil of very great magniude. Nothing can be more pernicious, han that jurymen should think lightly of he important duties they are called upon o discharge, or should acquire a habit of rifling with the solemn oaths they take. And yet ever since the passing of the acts which punish with death the stealing in hops or houses, or on board ships, properly of the different values which are here mentioned, juries have, from moives of humanity, been in the habit of requently finding by their verdicts, that he things stolen were worth much less han was clearly proved to be their value. t is held, indeed, by some of the judges (whether by all of them, and upon all occasions, I am not certain) that juries in favour of life may fairly, in fixing the value of the property, take into their consideration the depreciation of money which has taken place since the statutes passed, or in the words of Mr. Justice Blackstone "may reduce the present nominal value of money to its ancient standard." (Com. vol. iv. p. 239.) To shew, therefore, to what an extent juries have assumed to themselves a power of dispensing with the law in this respect, it will be proper to refer to the earliest trials, for these offences, that I happen to have met with.

In the year 1731-2, which was only thirty-two years after the act of King William, and only sixteen after the act of queen Anne, a period during which there had scarcely been any sensible di-cuted, is made capital, and because some unknown circumstance or other existed either in the crime itself, or in the past life of the criminal, which, in the opinion of the judge who tried him, rendered him a fit subject to be singled out for punishment. Surely if this system is to be persevered in, the judge should be required in a formal sentence to declare why death is inflicted, that the sufferings and the privations of the individual might be rendered useful to society, in deterring others from acting as he has done, and drawing on themselves a similar doom. The judge would undoubtedly be required to do this if the discretion which he exercises in point of fact, were expressly confined to him by law. But unfortunately, as the law stands, he is supposed not to select for capital punishment, but to determine to whom mercy shall be extended; although these objects of mercy, as compared with thos who suffer, are in the proportion of six t one. Were recorded reasons to be required of the judge, it will be said, they must be his reasons for extending mercy which is his act, not his reasons for inflicting punishment, which is the act of th law; an additional proof of the mischie which results from leaving the theory an the practice of the law so much at variance.

In truth, where the law which is executed is different from that which is to b found in the written statutes, great car should be taken to make the law which i executed known, because it is that law alone which can operate to the prevention of crimes. An unexecuted law can n more have that effect, than the law of foreign country; and the only mode tha can be adopted for making known the law which is executed, is that of stating in

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minution in the value of money, it appears from the sessions papers that, of thirty-three persons indicted at the Old Bailey for stealing privately in shops, warehouses, or stables, goods to the value of five shillings and upwards, only one was convicted, twelve were acquitted, and twenty were found guilty of the theft, but the things stolen were found to be worth less than five shillings. Of fifty-two persons tried in the same year at the Old Bailey, for stealing in dwelling-houses, money, or other property, of the value of forty shillings, only six were convicted, twenty-three were acquitted, and twenty-three were convicted of the larceny, but saved from a capital punishment by the jury stating the stolen property to be of less value than forty shillings. In the following years the numbers do not differ very materially from those in the year 1731.

Some of the cases which occurred about this time are of such a kind, that it is difficult to imagine by what casuistry the jury could have been reconciled to their verdict. It may be proper to mention a few of them.—Elizabeth Hobbs was tried in September 1732, for stealing in a dwelling-house one broad piece, two guineas, two half-guineas, and forty-four shillings in money. She confessed the fact, and the jury found her guilty, but found that the money stolen was worth only thirty-nine shillings.—Mary Bradley, in May 1732, was indicted for stealing in a dwelling-house, lace which she had offered to sell for twelve guineas, and for which she had refused to take eight guineas; the jury, however, who foun her guilty, found the lace to be worth n more than thirty-nine shillings.—William Sherrington, in Oct. 1732, was indited fo stealing privately in a shop, goods which he had actually sold for 1*l.* 5*s.* and the jury found that they were worth only 4*s.* 10*d.*

In the case of Michael Allon, indicted in February 1733 for privately stealing in a shop forty-three dozen pairs of stockings value 3*l.* 10*s.* It was proved that the prisoner had sold them for a guinea and a half, to a witness who was produced on the trial, and yet the jury found him guilty of stealing what was only of the value of 4*s.* 10*d.* In another case, that of Geo. Dawson and Joseph Hitch, also indicted in February 1733, it appeared that the tw prisoners, in company together at the same time, stole the same goods privately in a shop, and the jury found one guilty t the amount of 4*s.* 10*d.* and the other to the amount of 5*s.* that is, that the same goods were at one and the same moment of different values. This monstrous proceeding is accounted for by finding that Dawson, who was capitally convicted, had been tried before at the same sessions for a similar offence, and had been convicted o stealing to the amount only of 4*s.* 10*d* The jury seem to have thought, that having had the benefit of their indulgence once he was not entitled to it a second time, o in other words, that having once had a pardon at their hands, he had no further claim upon their mercy.

written sentence the circumstances which have rendered the crime capital. Such written sentences, like the reported decisions upon the common law, would stand in the place of statutes. It must, however, be admitted, that it would be still more desirable, that instead of having recourse to such substitutes, the law should be embodied in written statutes.

Another consequence of the present system is, that it deprives juries of the most important of their functions, that of deciding upon facts on which the lives of their fellow-subjects are to depend. The circumstance of aggravation, whatever it be, for which the judge inflicts the punishment of death, in reality constitutes the crime for which he suffers. If, for example, the judges made it an invariable rule to leave for execution every man convicted of highway-robbery, who had struck or done any injury to the person of the party robbed, and to inflict only the punishment of transportation, for robbery unattended with such violence, the effect would be the same as if the crimes of mere robbery, and of robbery with violence offered to the person, so distinct in themselves, were distinguished by written laws, and were made punishable, the one with death, and the other with transportation. The effect would be the same with respect to the punishments, but by no means the same with respect to the mode of trial. Because if the law had considered them as distinct offences, it would be the province of the jury to decide whether the circumstance of aggravation, which altered the nature and description of the crime, did or did not exist; whereas in the present system, it is the judge alone on whom that important office is devolved. The fact of violence may in his opinion be established, though the jury may have withheld all credit from the witness who swore it. That fact has probably not been investigated with the same accuracy as the other parts of the case, because it is to constitute no part of the finding of the jury. It is in truth altogether immaterial to the verdict which they have to pronounce, which is merely whether the prisoner be guilty or not guilty of the robbery. The same observation may be made upon every other circumstance of aggravation which decides the fate of convicted criminals: the judge necessarily acts upon his own opinion of the evidence by which these circumstances are supported, and he sometimes proceeds upon evidence not given in open court, or under the sanction of an oath.

With all the objections, however, which there are to this mode of administering justice, it has long prevailed, and consequently it has many defenders. Among those there is none whose arguments deserve more attention than Dr. Paley, not so much on account of the force or ingenuity of those arguments, as of the weight which they derive from the respectable name of the writer who uses them. Every thing that is excellent in the works of such a man, renders his errors, where he falls into error, only the more pernicious. Sanctioned by his high authority, they are received implicitly as truths by many persons who, if they met with them in a writer of inferior merit or reputation, would not fail to canvass them, and to detect their fallacy.

Dr. Paley sets out by observing,* that "there are two methods of administering penal justice. The first assigns capital punishment to few offences, and inflicts it invariably; the second assigns capital punishment to many kinds of offences, but inflicts it only upon a few examples of each kind."† This implies that there are

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* Prin. of Moral Polit. Phil. vol. ii. p. 281, 17th edit.

† The whole of the passage in Paley, here commented on, is in the following words:

"There are two methods of administering penal justice. The first method assigns capital punishments to few offences, and inflicts it invariably. The second method assigns capital punishments to many kinds of offences, but inflicts it only upon a few examples of each kind. The latter of which two methods has been long adopted in this country, where, of those who receive sentence of death, scarcely one in ten is executed. And the preference of this to the former method seems to be founded in the consideration, that the selection of proper objects for capital punishment, principally depends upon circumstances, which, however easy to perceive in each particular case after the crime is committed, it is impossible to enumerate or define before-hand; or to ascertain, however, with that exactness which is requisite in legal descriptions. Hence, although it be necessary to fix, by precise rules of law, the boundary on one side, that is, the limit to which the punishment may be extended, and also only two methods of administering penal justice, and that a government has only to choose between invariably and inflexibly inflicting death in all cases in which the law has appointed it as a punishment; or giving to its magistrates that wide discre-

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that nothing less than the authority of the whole legislature be suffered to determine that boundary, and assign these rules; yet the mitigation of punishment, the exercise of lenity, may, without danger, be intrusted to the executive magistrate, whose discretion will operate upon those numerous unforeseen, mutable, and indefinite circumstances, both of the crime and the criminal, which constitute or qualify the malignity of each offence. Without the power of relaxation lodged in a living authority, either some offenders would escape capital punishment, whom the public safety required to suffer; or some would undergo this punishment, where it was neither deserved nor necessary. For if judgment of death were reserved for one or two species of crimes only, which would probably be the case, if that judgment was intended to be executed without exception, crimes might occur of the most dangerous example, and accompanied with circumstances of heinous aggravation which did not fall within any description of offences that the law had made capital, and which consequently could not receive the punishment their own malignity and the public safety required. What is worse, it would be known before-hand, that such crimes might be committed without danger to the offender's life. On the other hand, if, to reach these possible cases, the whole class of offences to which they belong be subjected to pains of death, and no power of remitting this severity remains any where, the execution of the laws will become more sanguinary than the public compassion would endure, or than is necessary to the general security. The law of England is constructed upon a different and a better policy. By the number of statutes creating capital offences, it sweeps into the net every crime, which under any possible circumstances may merit the punishment of death: but when the execution of this sentence comes to be deliberated upon, a small proportion of each class are singled out, the general character, or the particular aggravations of whose crimes, render them fit examples of public justice. By this expedient few actually suffer death, whilst the dread and danger of it hang over the crimes of many. The tenderness of the law cannot be taken advantage of. The life of the subject is spared, as far as the necessity of restraint and intimidation permits, yet no one will adventure upon the commission of any enormous crime from a knowledge that the laws have not provided for its punishment. The wisdom and humanity of this design furnish a just excuse for the multiplicity of capital offences, which the laws of England are accused of creating beyond those of other countries. The charge of cruelty is answered by observing, that these laws were never meant to be carried into indiscriminate execution; that the legislature, when it establishes its last and highest sanctions, trusts to the benignity of the crown to relax their severity as often as circumstances appear to palliate the offence, or even as often as those circumstances of aggravation are wanting, which rendered this rigorous interposition necessary. Upon this plan it is enough to vindicate the lenity of the laws, that some instances are to be found in each class of capital crimes, which require the restraint of capital punishment; and that this restraint could not be applied without subjecting the whole class to the same condemnation. There is, however, one species of crimes, the making of which capital, can hardly, I think, be defended, even upon the comprehensive principle just now stated; I mean that of privately stealing from the person. As every degree of force is excluded by the description of the crime, it will be difficult to assign an example, where either the amount or circumstances of the theft place it upon a level with those dangerous attempts, to which the punishment of death should be confined. It will be still more difficult to shew, that without gross and culpable negligence on the part of the sufferer, such examples can ever become so frequent, as to make it necessary to constitute a class of capital offences, of very wide and large extent. The prerogative of pardon is properly reserved to the chief magistrate. The power of suspending the laws is a privilege of too high a nature to be committed to many hands, or to those of any inferior officer in the state. The king also can best collect the advice by which his resolutions should be governed; and is at the same time removed at the greatest distance from the influence of private motives. But let this power be deposited where it will, tion which we find them invested with in this country. A terrible alternative indeed it would be, if governments were really reduced to it. But it is very inaccurate to represent these as the only methods of administering penal justice. It may be, and in most countries it is, so administered, that in general the punishment assigned by the law is inflicted, but in rare instances it is remitted by the clemency of the executive magistrate; in other words, generally the law is executed, and the non-execution of it forms an exception to that general rule. It may be, and in some countries it has for many years been, so administered, that death has not in any case been inflicted because not in any case appointed by the law. . . . .

"The preference of that method," which is adopted in England, "to the other, seems," he says, "to be founded in the consideration, that the selection of proper objects for capital punishment principally depends upon circumstances which, however easy to perceive in each particular case, after the crime is committed, it is impossible to enumerate or define beforehand; or to ascertain, however, with that exactness which is requisite in legal description." If this representation be correct, this is a discretion which never can be exercised by any known or certain rules; for the same rules which would govern the exercise of the discretion, might determine and fix beforehand the different gradations of offence, and the corresponding gradations of punishment. Not only, therefore, according to Dr. Paley, is this discretion necessary, but it must necessarily be exercised in the most arbitrary manner. But why, it may well be asked, cannot circumstances, which are of such a nature that they are to determine whether a man shall suffer death or not, be pointed out prospectively and particularized in written laws? being easily perceived after the act has been done, it cannot be difficult to express them in words before the act is committed. It is as easy to say in the form of a law, that whoever does such an act, attended with such circumstances, shall suffer death, as to say in the form of a sentence, that because an individual named has done such an act, attended with such circumstances, he shall suffer death. Dr. Paley seems to assume that it is indispensably necessary that proper objects for capital punishment should be selected by those to whom the administration of justice is intrusted. Whereas, in truth, the only proper objects of capital punishment are those who have committed acts which the public security requires should be punished with death, and all who have done such acts, are the proper objects of such punishment. The laws should be so framed, that upon none but those can death be inflicted; or in other words, that capital punishment should never be resorted to but where the public security requires it. . There needs no selection of objects for punishment, in those who administer the law: the law itself has made the selection. If there is to be any selection by those who administer the law, it ought to be a selection of the few to whom mercy is to be extended, and not of a few on whom punishment is to fall.

"Hence," he continues, "although it be necessary to fix by precise rules of law the boundary on one side, that is, the limit to which the punishment may be extended."—But, in truth, the boundary

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the exercise of it ought to be regarded, not as a favour to be yielded to solicitation, granted to friendship, or, least of all, to be made subservient to the conciliating or gratifying of political attachments; but as a judicial act, as a deliberation to be conducted with the same character of impartiality, with the same exact and diligent attention to the proper merits and circumstances of the case, as that which the judge upon the bench was expected to maintain and shew in the trial of the prisoner's guilt. The questions, whether the prisoner be guilty, and whether, being guilty, he ought to be executed, are equally questions of public justice. The adjudication of the latter question is as much a function of magistracy, as the trial of the former. The public welfare is interested in both. The conviction of an offender should depend upon nothing but the proof of his guilt, nor the execution of the sentence upon any thing beside the quality and circumstances of his crime. It is necessary to the good order of society, and to the reputation and authority of government, that this be known and believed to be the case in each part of the proceeding. Which reflections show, that the admission of extrinsic or oblique considerations, in dispensing the power of pardon, is a crime in the authors and advisers of such unmerited partiality, of the same nature with that of corruption in a judge."

on the side of severity is fixed by nature, not by law. With the life of the offender, all human power over him must necessarily cease; the legislature, therefore, which authorizes the magistrate to take away a subject's life, cannot be said to have fixed a boundary which his severity cannot exceed. When the learned author, therefore, observes, that it is necessary to fix by rules of law the boundary on one side, one can only conjecture that he meant, that it is necessary to fix by rules of law, in what cases this unbounded discretion of its magistrates may be exercised.*

"The exercise of lenity," he says, "may, without danger, be intrusted to the executive magistrate." Without danger, perhaps, of being too often exercised; but with great danger in such a system as he is defending, that of "laws never meant to be carried into indiscriminate execution, but whose severity the legislature trusts will be relaxed as often as circumstances of aggravation are wanting in the crime," (p. 285,) with very great danger, that it may not be exercised sufficiently often. The magistrate who has the power of exercising this lenity, has also the power of not exercising it, and the non-exercise of it, is, let it be remembered, nothing less than inflicting death.

"Whose [*i. e.* the magistrate's] discretion will operate upon those numerous unforeseen, mutable, and indefinite circumstances, both of the crime and the criminal, which constitute or qualify the malignity of each offence." The circumstances then, according to this writer, upon which a criminal's life is to depend, are of such a nature, that they cannot be foreseen, fixed, or defined, and yet it is in respect of those circumstances that the forfeiture of his life is to be exacted. It is not for the offence described in the law, but for an unforeseeable undefinable crime, that he suffers death; and yet the very writer who approves of this, and justifies it, has himself told us, but a few pages before, (p. 274—275,) that "the end of punishment is the prevention of crimes," and that "that which is the cause and end of the punishment, ought to regulate the measure of its severity."

"Without the power of relaxation lodged in a living authority," Dr. Paley adds in the passage I am commenting on, "either some offenders would escape capital punishment whom the public safety required to suffer, or some would undergo that punishment where it was neither deserved nor necessary."—What the public safety requires is, that crimes should be prevented by the dread of death, whenever the dread of a less evil will not be efficacious. In no other way can the public safety require the death of any individual. For with respect to the mischief which the individual himself might do, it may always be guarded against by secure imprisonment; the real question therefore is, whether the exercise of this power of relaxing the law is better calculated to prevent crimes, than the constant and regular execution of known laws; and it is a question which one would suppose could hardly be of difficult solution, for those who think with Dr. Paley, that "the certainty of punishment is of more consequence than the severity," (p. 306.)

"—or some would undergo that punishment where it was neither deserved nor necessary." By this distinction it should seem, that in the opinion of this writer, the punishment of death is sometimes deserved when it is not necessary, and is sometimes necessary when it is not deserved. This distinction, however, seems to be founded upon the most erroneous notions of criminal law. It is upon the ground of necessity alone, that the inflicting death as a punishment can ever be justified. What, indeed, are the ideas which this writer means to convey by the terms "deserving this punishment," and by those of "meriting the punishment of death," which he uses in the following page, it is extremely difficult to conjecture. One would suppose, indeed, that he entertained some vague notion of "the satisfaction of justice," or of "the retribution of so much pain for so much guilt," if he had not himself formally, at the outset of his dissertation upon crimes and punishment, protested against such being in any case "the motive or occasion of human punishment." (P. 275.)

The evil, it seems, to be guarded against, is that of the punishment of death being sometimes inflicted where it is neither deserved or necessary. Now, in whatever sense these words be used, it is most certain, that that evil must still continue where the exercise of lenity is to depend upon human, that is, upon fallible judgments. We know almost with certainty of some cases, that if they were submitted to the discretion of two different individuals, one would be for exercising lenity, and the other for enforcing the law, each acting from the best of motives, each satisfied that he had conscientiously discharged his duty, the one by executing the law, the other by extending mercy; and who shall presume to say which of them has "suffered an offender to escape capital punishment, whom the public safety required to suffer;" and "which has inflicted that punishment where it was neither deserved nor necessary?"

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* It is, indeed, not a little surprising, that this same author should in other parts of his work have said, p. 207, "In the infliction of punishment, the power of the crown, and of the magistrate appointed by the crown, is confined by the most precise limitations."

"If judgment of death," continues Dr. Paley, "were reserved for one or two species of crimes only, which would probably be the case if that judgment were intended to be executed without exception; crimes might occur of the most dangerous example, and accompanied with circumstances of heinous aggravation, which did not fall within any description of offences that the law had made capital, and which consequently could not receive the punishment their own malignity and the public safety required." Undoubtedly if it were intended that the laws should be executed, we should not, in an age which persuades itself that humanity is amongst its peculiar characteristics, see the punishment of death affixed to so long a catalogue of crimes as appears in the English statutes; but yet no reason can be assigned, as long as death is retained in our law as a punishment, why it should not, in laws meant to be rigorously executed, be the appointed punishment for crimes "of the most dangerous example, accompanied with circumstances of heinous aggravation." What danger could there possibly be that we should lessen the power of inflicting punishment on crimes of most dangerous example, accompanied with circumstances of heinous aggravation, by striking out of the statute book the acts which inflict death on the crimes of privately stealing to the value of five shillings in a shop, of stealing forty shillings' worth of property in a dwelling-house, or of stealing cloth from bleaching-grounds?

"What is worse," he adds, "it would be known beforehand that such crimes might be committed without danger to the offender's life." If this be an evil, it is an evil that the law should be known, or that there should be any law at all; for unknown laws are the same as non-existing laws. It is a necessary consequence of knowing what actions are punishable by law, that it should also be known what a man may do without fear of punishment; and it is not a little extraordinary, that in a country in which men have been accustomed to think that one of the greatest political blessings they enjoyed, was, that they lived in the security which known and certain laws afforded them, we should be told by a writer of such high character and such extraordinary merit as Dr. Paley, that it is a good that laws be not known, because if known, they might be evaded.

Undoubtedly it would be a great mischief if actions dangerous to the public safety could be committed with impunity, and much more, if, in the language of this writer, "men could adventure upon the commission of enormous crimes from a knowledge that the law had not provided for their punishment." (p. 284.) But what must be the character of that code of laws which leaves enormous crimes without punishment provided for them? and what other remedy is there for this evil than that which Dr. Paley himself recommends, when he reprobates the use of acts of attainder and bills of pains and penalties? "Let the legislature, admonished of the defect of the laws, provide against the commission of future crimes of the same sort." (p. 239).

The terms, "enormous crimes" and "heinous aggravations," are of so vague and indefinite a nature, that it is not possible to ascertain with accuracy in what sense they are here used; but understanding them in their common and popular acceptation to mean actions of great moral depravity, it is not easy to understand how the punishment of them is secured by the system which Dr. Paley defends. On the one hand, it is not at all evident how the stealing privately in a shop, or the stealing from bleaching grounds, or the stealing of sheep, can under any circumstances be considered as an enormous crime, or accompanied with heinous aggravations: and on the other it must be admitted, that sanguinary as our law is, numerous as are our capital offences, wide, to use Dr. Paley's own metaphor, wide as the penal net is spread, there are many acts of the greatest moral depravity for which neither the punishment of death nor any other punishment of great severity is provided. A guardian who has defrauded his ward of the property with which he was entrusted for her benefit, and who has besides seduced her and turned her out upon the world a beggar and a prostitute; a man who being married has concealed that fact, and having gained the affection of a virtuous woman, has persuaded her to become his wife, knowing at the same time that the truth cannot long be concealed, and that whenever disclosed it must plunge her into the deepest misery, and must have destroyed irretrievably all her prospects of happiness in life; has surely done that which better deserves the epithet of enormous crime, accompanied with heinous aggravation, than a butler who has stolen his master's wine. It is not a great many years ago since an attorney made it a practice, which for some time he carried on succesfully, to steal men's estates by bringing ejectments, and getting some of his confederates to personate the proprietors, and let judgment go by default, or make an ineffectual defence; the consequence was, that he was put into possession by legal process, and before another ejectment could be brought, or the judgment could be set aside, he had swept away the crops, and every thing that was valuable on the ground. If for this any punishment be provided by law,[*] it is one far less severe than for the crime of petty larceny. That any of the actions which I have mentioned, merit the punishment of death, I certainly do not affirm. I have no criterion, and the learned author has furnished me with none by which to determine how death is deserved; but I am sure that stealing a few yards of ribbon or of lace in a shop, is an offence far below them in the scale of moral guilt.

"On the other hand, if to reach these possible cases, the whole class of offences to which they belong, be subjected to the pains of death, and no power of remitting this severity remains any where, the execution of the law will become more sanguinary than the public compassion would endure, or than is necessary to the general security." This is an argument to prove that a power of pardoning ought to exist somewhere,[*] but that is a proposition which has not been disputed, and which has really no application to the question whether the English system be better or worse than that which prevails in other countries. The supposition, that there is no other alternative than that of excluding the power of pardon altogether, or preserving such a code of laws that pardons must necessarily be much more frequent, even in the proportion of ten to one, than the execution of the law, exists only in the imagination of this writer; and yet his whole defence of the present prevailing system is founded upon this supposition.

"The law of England is constructed upon a different policy." Not the law of England, but the practice which in the administration of criminal law prevails in England. A practice which is in truth an almost continual suspension and interruption of the law.

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[*] Perhaps under the notion of conspiracy this might be indictable, but certainly under no other.

[*] So much is Dr. Paley an advocate for a discretionary power in the punishment of offences, that he justifies imprisonment for debt on principles of penal law, and seems to think, that as no discretion is likely to be so well informed, so vigilant, or so active, as that of the creditor himself, he is properly by the law of England both judge and party. "Consider it," he says, "as a public punishment, founded upon the same reason, and subject to the same rules as other punishments, and the justice of it, together with the degree to which it should be extended, and the objects upon whom it may be inflicted, will be apparent * * * * * The only question is, whether the punishment be properly placed in the hands of an exasperated creditor: for which it may be said, that these frauds are so subtile and versatile, that nothing but a discretionary power can overtake them, and that no discretion is likely to be so well informed, so vigilant, or so active, as that of the creditor." Prin. of Mor. and Pol. Phil. vol. 1, p. 163, 164. It is true that Paley does not state this directly as his own opinion, but from the whole context it is fairly to be inferred that it is an opinion of which he does not disapprove; and yet if imprisonment for debt is to be justified on the ground of punishment, it should be observed, that in this respect it differs from the punishment of all other crimes, that a power of pardoning exists no where but in the offended creditor.

"By the number of statutes creating capital offences, it sweeps into the net every crime, which under any possible circumstance may merit the punishment of death." If this be effected at all, it certainly is not by the number of statutes that it is effected. One single act, taking away the benefit of clergy from all felonies, would have done this much more effectually than a multitude of statutes, some applying to the different articles which may be stolen, and others to the different places in which the crime may be committed. But, independently of this observation, it is really very difficult to collect the meaning of this passage; admitting that the stealing of a sheep or a horse, may, under some possible circumstances, merit the punishment of death, how are we to comprehend that there are no possible circumstances that imagination can suggest, which would make the stealing of a hog or an ox deserving of the same fate? It must, too, greatly astonish one, that any person who had possessed himself of the catalogue of capital offences to be found in our law, long as it is, and who had reflected upon the actions which take place even in the ordinary intercourse of mankind, could ever have affirmed, that there was no act of gross immorality, or highly injurious to society, which might not by the present existing law of England be punished with death, or which, in the language of this writer, is not swept into the net. There is nothing surely in this sentence that any one can approve, unless it be the happy choice of the metaphor. None indeed could have been found, which could have more forcibly described the situation of a man, who taking his notion of law from what he sees executed, and therefore thinking that the offence which he had committed could only subject him to imprisonment or transportation, finds to his surprise that he has forfeited his life. I remember hearing a person, who had been present at a trial, describe the astonishment which was expressed in the language, and painted in the countenance of a wretch, who was convicted of stealing his master's wine, at finding that the sentence pronounced upon him was that of death, or to use the language of Paley, at finding himself inextricably entangled in the fatal net. Fatal indeed it was to him, for the judge left him for execution.

"When the execution of this sentence comes to be deliberated upon."—It should be observed, that with the exception of prisoners tried at the Old Bailey, these are not the joint deliberations of a council, or even the consideration of different cases by the same individual, who would, probably, be always governed by the same principles, but the separate deliberations of different individuals, having no common rule or standard to refer to, all, indeed, equally impressed with the importance of their duty, and actuated by the same desire to discharge it properly, but having each his own peculiar notions of the general character or particular aggravations of each offence.

"A small proportion of each class are singled out, the general character or the peculiar aggravations of whose crimes render them fit examples of public justice." But where the general character of the crime is such as to render it a fit example of public justice, how can the necessity for the exercise of this discretion exist? The general character of a crime surely cannot be considered as one of those "circumstances which it is impossible to enumerate or define beforehand," or even which cannot be "ascertained with that exactness which is requisite in legal description," and yet it is upon the supposed existence of circumstances easy to be noted after the crime has been committed, but impossible to be beforehand defined, that the writer's defence of this system is principally founded.

In what indeed consists the difficulty of marking out in general laws, the peculiar aggravations of crime which ought to be attended with aggravation of punishment, Dr. Paley has left altogether unexplained; and, indeed, a little farther on, (p. 288,) as if to convince his readers that there is really no difficulty in the case, he enumerates the several "aggravations which ought to guide the magistrate in the selection of objects of condign punishment." "These," he says, "are principally three, repetition, cruelty, and combination;" "in crimes," he adds, "which are perpetrated by a multitude or by a gang; it is proper to separate in the punishment, the ringleader from his followers, the principal from his accomplices, and even the person who struck the blow, broke the lock, or first entered the house, from those who joined him in the felony." Every one of the aggravations here enumerated, is undoubtedly as capable of being clearly and accurately described, in written laws, and as proper to be submitted to the decision of a jury, as the crimes themselves.

The reason, indeed, which Dr. Paley gives for considering the circumstances which he last mentions as aggravations which ought to determine the fate of convicts, shews in the strongest possible light the necessity of their being stated in written laws. It is "not," he says, "so much on account of any distinction in the guilt of the offenders, as for the sake of casting an obstacle in the way of such confederacies, by rendering it difficult for the confederates to settle who shall begin the attack, or to find a man amongst the number willing to expose himself to greater danger than his associates." Now, for this selection of offenders for severer punishment to produce the effects which are here pointed out as its objects, it is indispensably necessary, not only that the selection should be constantly and invariably governed by the aggravations here enumerated, but that this should be made known to the public, and such a constant, invariable, and notorious practice can be secured by no other means than by laying it down as a certain and inflexible rule in a public law. That all, or that even a majority of the judges, exercise the tremendous discretion with which they are invested, upon the principles here stated by Dr. Paley, I am sure no one will pretend. That any one of them has adopted these principles is what I have never heard, and yet it is only by the principles being known, that the practice can effectuate its end.

"By this expedient," he proceeds, "few actually suffer death, whilst the dread and danger of it hang over the crimes of many." The chance of it, he should rather have said, hangs over the crimes of many. For the dread of punishment to prevent crimes, punishment must, as nearly as can be effected, be the certain consequence of committing them. Whereas, all that is done by the administration of penal justice, in that method which Dr. Paley declares to be the best, is to make the punishment of death the possible, but by no means the probable consequence of the crime. The dread that the offender may have the ill fortune to be the one who suffers, and not among the nine convicted offenders who escape, will undoubtedly have some, but it will be but a feeble influence, towards the prevention of offences.

"The wisdom and humanity of this design furnish a just excuse for the multiplicity of capital offences which the laws of England are accused of creating beyond those of other countries." It is really not a little surprising, that in this peculiar mode of administering criminal law in England, an apology should be found for the great "number of our statutes creating capital offences." One would have imagined that one advantage of such a system, by which it is left to those who exercise the law to discriminate and to find out the circumstances which are to characterize, to extenuate, or to aggravate offences, would be, that the laws being extremely general, might be few in number, and simple and concise in their enactments. If we had adopted a system directly contrary to that which is unhappily established amongst us; if, in our anxiety to secure such important objects, as that no life should be destroyed of which the public safety did not require the sacrifice, and that that sacrifice should always be exacted where it really was necessary, we were to frame laws which should distinguish accurately the general character of different offences, and enumerate all the peculiar aggravations with which they might be attended, and should leave unforeseen and unnoticed no human action which was dangerous by its example, or heinous in its circumstances, we might indeed have a good excuse to offer for the multiplicity of our penal laws.

"The charge of cruelty," continues Dr. Paley, "is answered by observing, that these laws were never meant to be carried into indiscriminate execution; that the legislature, when it establishes its last and highest sanctions, trusts to the benignity of the crown to relax their severity as often as circumstances appear to palliate the offence, or even as often as those circumstances of aggravation are wanting which rendered this rigorous interposition necessary. Upon this plan it is enough to vindicate the lenity of the laws, that some instances are to be found in each class of capital crimes which require the restraint of capital punishment; and that this restraint could not be applied without subjecting the whole class to the same condemnation." It may well be doubted whether this be a satisfactory answer to the charge of cruelty. To subject by law ten men to the punishment of death, because one of them has, in the opinion of the legislature, deserved it, or, to speak more properly, has done that which makes it necessary to the public safety that his life should be sacrificed, and then "trust to the benignity" of the magistrate to discover the nine, against whom it was "never meant that the law should be carried into execution:" to have no better security for the proper execution of this most important office, than the benignity of the magistrate, and to afford him no light to guide him in the exercise of that benignity, is after all a very cruel conduct in those who are the makers of the law. The severity of our statutes is, it seems, to be relaxed, whenever those circumstances of aggravation are wanting which render so rigorous an interposition necessary; and yet the legislature is totally silent as to those aggravations. It omits any mention of the circumstances, without which its law is not to have the force of law. The legislature means that death shall be inflicted only in a given case, and it carefully avoids saying what that case is. While it openly denounces death for a certain crime, it really means that death shall be inflicted only if the guilt of some additional crime is added to it, and instead of particularizing that additional guilt, it leaves it to those who are to execute the law, first to imagine what the legislature meant, and then to discover those undescribed circumstances in each particular case.

When this author tells us that the particular instances which require the restraint of capital punishment, could not be subjected to that restraint, without, at the same time, subjecting to it all the other offences which fall under the same class, but which do not require it, he assumes the very point which it was incumbent on him to prove. But even if, for the moment, we concede to him, that which is the matter in dispute, how can this afford any justification of our sanguinary laws, unless, indeed, we are to reverse what has been considered as a maxim of criminal jurisprudence, and to say that it is better that ten men who do not deserve* death should suffer it, than that one who has deserved it should escape.†

In this short passage there is another important point taken for granted, which long has been, and still is, a matter of much controversy, namely, that in each class of capital crimes, there are some instances to be found which require the restraint of capital punishment. Let us take by way of example, the crime of privately stealing in a shop to the value of five shillings. It is the opinion of many, that no instance ever occurred of that crime which rendered it a fit subject of capital punishment. The circumstances, indeed, which induced the legislature to make this offence capital, the facility with which it may be committed, and the supposed necessity of protecting by such severity industrious tradesmen in the exercise of their calling, make it hardly possible that it should be committed under any peculiar aggravations. The legislature has in this case marked out what the policy which suggested the measure induced it to consider as aggravations; that the theft was committed privately, that it was in a shop, and that the thing stolen is of five shillings value. What, to follow the spirit of the law, can possibly be considered as aggravations? Are they that the shop was very much frequented, and was crowded with customers; that the theft was committed with such extraordinary address as to elude the utmost vigilance; or that the property stolen was of a value very greatly beyond that which is mentioned in the statute? Surely no person can contend that any one of these circumstances can make such an alteration in the offence, that with it the crime should be punished with death, and without it, should be subjected to a slighter punishment. Least of all can the value of the property stolen be such an aggravation; because the law was intended to afford a protection to tradesmen, in instances where they could not exert a sufficient vigilance for their own protection: but in articles of considerable value, they are bound to exert that vigilance. To such an instance we may apply the language which Paley has applied to another, "it will be difficult to shew, that without gross and culpable negligence on the part of the sufferer, such examples can ever become so frequent as to make it necessary to con-

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* It can hardly be necessary to apologize for the use of this word, or to shew that it is not here liable to the objection made to it as used by Paley.

† The maxim that it is "better for ten guilty persons to escape than for one innocent man to suffer," is mentioned with approbation by Mr. Justice Blackstone, (Com. b. iv. ch. 27.) but is contested by Dr. Paley. "If by better," he says, "be meant that it is more for the public advantage, the proposition I think cannot be maintained. The security of civil life, which is essential to the value and the enjoyment of every blessing it contains, and the interruption of which is followed by universal misery and confusion, is protected chiefly by the dread of punishment." (Prin. of Mor. and Pol. Phil. vol. 2, p. 310.) By the dread of punishment, it is true, but

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of punishment as a consequence of guilt, not of punishment falling indiscriminately on those who have not, and on those who have, provoked it by their crimes. The security of civil life is undoubtedly the first object of all penal laws; but by nothing can that security be more grievously interrupted than by the innocent suffering for the crimes of the guilty. It should seem from the animadversions of Dr. Paley, that he imagined that those who have adopted this maxim, treat the escape of ten guilty persons as a trivial ill, whereas, they deem it an evil of very great magnitude, but yet one less destructive of the security and happiness of the community, than that one innocent man should be put to death with the forms and solemnities of justice.

"The misfortune," continues Dr. Paley, "of an individual, for such may the sufferings, or even the death of an innocent person be called, when they are occasioned by no evil intention, cannot be placed in competition with this object." He here speaks of the sufferings and privations endured by the victim, as if they were the only evils resulting from the punishment of the innocent. He overlooks entirely the mischiefs which arise from the consideration, that the most perfect innocence, and the most implicit submission to the laws cannot afford security to those who possess the one, and practise the other. He leaves altogether out of his consideration that disrespect for the tribunals which is the necessary consequence of so terrible a failure in the administration of justice. He does not reflect how much the effect of example must be weakened by men being taught from what they have themselves witnessed, that the wretch, whom they see consigned to punishment, may be in the highest degree unfortunate, and in no degree guilty. He does not take into his account the hopes which the punishment of an innocent man ever affords to the guilty, by placing in so striking a point of view, the fallibility of our tribunals: and by shewing how uncertain it is that punishment will be the consequence of guilt. Could the escape of ten of the most desperate criminals have ever produced as much mischief to society, as did the public executions of Calas, of D'Anglade, or of Lebrun? The state of insecurity in which men were placed by some of these fatal errors in the administration of justice in France, is strongly exemplified by the saying of a man of considerable eminence in that country, who declared, that if he were accused of stealing the towers of Notre Dame, he would consult his safety by flight rather than risk the event of a trial, though the crime imputed to him was manifestly impossible.—Dr. Paley goes on to observe, "that courts of justice should not be deterred from the application of their own rules of adjudication, by every suspicion of danger, or by the mere possibility of confounding the innocent with the guilty." And in this observation every body must agree with him. If courts of justice were never to inflict punishment where there was a possibility of the accused being innocent, no punishment would in any case be inflicted. In those instances in which the proof of guilt seems to be most complete, the utmost that can be truly affirmed of it is, that it amounts to a very high probability: no truth, that depends on human testimony, can ever be properly said to be demonstrated. Human witnesses may utter falsehood, or may be deceived. Even where there have been a number of concurrent and unconnected circumstances, which have appeared inexplicable upon any hypothesis but that of the accused being guilty, it has yet sometimes been made evident that he was innocent. Nay, in some instances where men have borne evidence against themselves, and have made a spontaneous confession of the crimes imputed to them, not only they were not, but they could not be guilty, the crimes confessed being impossible. With the wisest laws, and the most perfect administration of them, the innocent may sometimes be doomed to suffer the fate of the guilty, for it were vain to hope, that from any human institution, all error can be excluded. Yet these are considerations which are calculated very strongly to impress upon courts of justice, not indeed that they "should be deterred from the application of their own rules of adjudication," but that they should use the utmost care and circumspection in the application of those rules; that in a state of things where they are so liable to error, they cannot be too anxious to guard stitute a class of capital offences of very wide and large extent." (p. 286.) In truth, none of these circumstances have, I believe, been considered by any of the judges as sufficient aggravations to warrant their suffering this cruel law to be exe-

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against it, and that if it be a great public evil, as it undoubtedly is, that the guilty should escape, it is a public evil of much greater magnitude, that the innocent should suffer. It should be recollected too, that the object of penal laws, is the protection and security of the innocent; that the punishment of the guilty is resorted to only as the means of attaining that object. When, therefore, the guilty escape, the law has merely failed of its intended effect; it has done no good, indeed, but it has done no harm. But when the innocent become the victims of the law, the law is not merely inefficient, it does not merely fail of accomplishing its intended object, it injures the persons it was meant to protect, it creates the very evil it was to cure, and destroys the security it was made to preserve.—"They ought rather," continues Paley, "to reflect, that he who falls by a mistaken sentence, may be considered as falling for his country, whilst he suffers under the operation of those rules, by the general effect and tendency of which the welfare of the community is maintained and upheld." Nothing is more easy than thus to philosophize and act the patriot for others, and to arm ourselves with topics of consolation, and reasons for enduring with fortitude the evils to which, not ourselves, but others are exposed. I doubt, however, very much, whether this is attended with any salutary effects. Instead of endeavouring thus to extenuate and to reconcile to the minds of those who sit in judgment upon their fellow creatures so terrible a calamity as a mistake in judicature to the injury of the innocent, it would surely be a wiser part to set before their eyes all the consequences of so fatal an error in their strong but real colours. To represent to them, that of all the evils which can befal a virtuous man, the very greatest is to be condemned and to suffer a public punishment as if he were guilty. To see all his hopes and expectations frustrated; all the prospects in which he is indulging, and the pursuits which he is following, for the benefit, perhaps, of those who are dearer to him than himself, brought to a sudden close; to be torn from the midst of his family; to witness the affliction they suffer; and to anticipate the still deeper affliction that awaits them: not to have even the sad consolation of being pitied; to see himself branded with public ignominy; to leave a name which will only excite horror or disgust; to think that the children he leaves behind him, must, when they recal their father's memory, hang down their heads with shame; to know that even if at some distant time it should chance that the truth should be made evident, and that justice should be done to his name, still that his blood will have been shed uselessly for mankind, that his melancholy story will serve wherever it is told, only to excite alarm in the bosoms of the best members of society, and to encourage the speculations for evading the law, in which wicked men may indulge. Let us represent to ourselves the judges who condemned Calas to die, apologizing for their conduct with the reasoning of Paley. Admitting that it was a great misfortune to the individual, but none to the public, and that even to the individual the misfortune was greatly alleviated by the reflection, that his example would tend to deter parents in future from embruing their hands in the blood of their children, and that in this instance the sufferings of the innocent would prevent the crimes of those who had a propensity to guilt. With what horror and disgust would not every well formed mind shrink from such a defence! When we are weighing the evil of the punishment of one innocent man against that of the impunity of ten who are guilty, we ought to reflect, that the suffering of the innocent is generally attended in the particular instance with the escape of the guilty. Instances have, indeed, occurred like that which I have already mentioned of Calas, where a man has been offered up as a sacrifice to the laws, though the laws had never been violated: where the tribunals have committed the double mistake of supposing a crime where none had been committed, and of finding a criminal where none could exist. These, however, are very gross, and therefore very rare examples of judicial error. In most cases the crime is ascertained, and to discover the author of it is all that remains for investigation; and in every such case, if there follow an erroneous conviction, a two-fold evil must be incurred, the escape of the guilty, as well as the suffering of cuted. It has been executed, indeed, in instances where the offenders were of very bad character, had been tried and acquitted for other and much more heinous crimes, or had set up a false defence, and produced witnesses to prove it; yet these are all circumstances foreign to the object of the legislature in protecting retail trades, and fall not within any of the principles which Dr. Paley has upon this subject endeavoured to establish.

" The prerogative of pardon is properly reserved to the chief magistrate. The power of suspending the laws is a privilege of too high a nature to be committed to many hands, or to those of any inferior officer in the state. The king also can best collect the advice by which his Resolutions shall be governed." Those who to every attempt at improvement are accustomed to oppose a panegyric on our law and constitution, frequently adopt a course which is very convenient for their purpose. As theory and practice are often upon these subjects very dissimilar, and are sometimes in direct opposition to each other, they select for the topic of their encomium whichever they can represent in the most favourable light; and of this we have here a very remarkable instance. In every thing which Dr. Paley has hitherto said, it is the established practice, a practice which alters and almost supersedes the written law, which he has been vindicating; but now he suddenly takes an opposite course, and holds up to our admiration a part of the constitution which exists in theory, but is almost abrogated in practice. In every county of England but Middlesex, and in every part of Wales, this privilege of suspending the laws, high as it is, is exercised, not by the chief magistrate, but by subordinate officers in the state, and without the assistance of that best advice which the King can collect. It is true that they exercise this privilege in the name of the King, in whose name too they administer the law; and if this fiction is to be resorted to, it may be said with as much truth, that the King decides causes, and tries prisoners, as that he exercises his power of suspending the laws.

" But let this power be deposited where it will," adds Dr. Paley, " the exercise of it ought to be regarded as a judicial act; as a deliberation to be conducted with the same character of impartiality, with the same exact and diligent attention to the proper merits and circumstances of the case, as that which the judge upon the bench was expected to maintain and shew in the trial of the prisoner's guilt. The questions, whether the prisoner be guilty, or whether, being guilty, he ought to be executed, are equally questions of public justice. The adjudication of the latter question is as much a function of magistracy as the trial of the former. The public welfare is interested in both. The conviction of an offender should depend upon nothing but the proof of his guilt; nor the execution of the sentence upon any thing besides the quality and circumstances of his crime." Nothing can shew in a stronger point of view the defects of the system which Dr. Paley defends, than this single passage. He here imposes upon the judges duties which it is impossible for them to discharge. If, indeed, he had contented himself with saying, that this suspension of the law ought never to be a favour " yielded to solicitation or granted to friendship, or made subservient to the conciliating or gratifying of political attachments," no person could have disputed his doctrine, though many might have wondered that he had thought it worth while to state what was so obvious; but when he goes on to say, that it must be considered as a judicial act, or as the adjudication of a question of public justice, he really deals with the judges no less hardly than the Egyptian tyrant did with the children of Israel, when he commanded them to make bricks, but withheld from them the materials with which they were to be made. A judicial act is the application of an existing law to facts which have been judicially proved: but where is the law of which the judge, in the exercise of this power, is to make the application? Or how can it be said that there has been judicial proof of facts, for which the criminal has never been put upon his trial, which have never been submitted to a jury, and upon which, consequently, a jury has come to no decision?

Of all the duties, indeed, which a judge

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the innocent. Perhaps amidst the crowd of those who are gazing upon the supposed criminal, when he is led out to execution, may be lurking the real murderer, who, while he contemplates the fate of the wretch before him, reflects with scorn upon the imbecility of the law, and becomes more hardened, and derives more confidence in the dangerous career upon which he has entered.

has to discharge, the exercise of this discretion must be the most painful. It is true that there are no duties, however awful, no situation, however difficult with which long habit will not render the best of men familiar; but if we represent to ourselves a judge newly raised to that eminence, just entering upon the circuit, and become for the first time the arbiter of the lives of his fellow-creatures, we shall be able to form to ourselves some idea of the difficulties he has to encounter, and of the anxiety which he must necessarily feel. Sworn to administer the law, he is at the same time the depository of that royal clemency which is to interrupt its execution. In danger of obstructing the due course of justice on the one hand, or of refusing mercy to those who have a fair claim to it on the other, he finds no rules laid down, or principles established by the legislature, to guide his judgment. He must fix for himself the principles and the rules by which he is to act, at the same time that he is to apply them and bring them into action, and yet he cannot but be aware, that the principles which he shall adopt will probably not be those of his successor, who will have maxims of justice and of mercy of his own, but which cannot possibly be foreseen; and at the same time he must know that it is nothing but a uniformity of practice which can make the exercise either of severity or of lenity useful to the public. In such a state of embarrassment, it is, that he is called upon to decide, and upon his decision the life of an individual depends; nay, upon the decision of a single case may depend the lives of many individuals. The clemency he shews, though it spares the life of a single convict, may be the means of alluring others to the commission of the same crime, who from other judges will not meet with the same lenity. The execution of a severe judgment may be the means of procuring impunity to many other criminals, by inducing the prosecutors to shrink from their duty, and jurymen to violate their oaths.

From the foregoing observations it should seem, that the laws which it is proposed to repeal, cannot well be defended as part of a general system of criminal jurisprudence. Taken by themselves, it seems still more difficult to justify them. They are of such inordinate severity, that, as laws now to be executed, no person would speak in their defence. They have, indeed, by a change of circumstances, become far more severe than they were when originally passed. Not to dwell on the circumstance of their severity having increased just in the proportion that the value of money has diminished, the state of the criminal law in other respects, at the time when these laws were enacted, afforded an excuse for passing them which has long ceased to exist.

When in the reign of king William, the benefit of clergy was taken away from the crime of privately stealing in a shop, goods of the value of five shillings, that offence was already punishable capitally on all but those who could read. The statute had no other effect, therefore, than to place men, whose crime was aggravated by the education which they had received, upon a level with those who had to urge, in extenuation of their guilt, the deplorable ignorance in which they had been left by their parents and by the state.

The same observation cannot, indeed, be made on the act of the 12th Anne, which relates to stealing money or goods in a dwelling-house: but when it passed, only seven years had elapsed since the adoption of the law, which extended the benefit of clergy to the illiterate, as well as to those who could read: and men who had been accustomed to see ignorant persons convicted capitally, for stealing what was of the value only of thirteen-pence, in any place, or under any circumstances, could not have thought it an act of great severity, to appoint death as a punishment for stealing in a dwelling-house property of the value of forty-shillings.

It is sufficient, however, to say of those laws, that they are not, and that it is impossible that they should, be executed; and that instead of preventing, they have multiplied crimes, the very crimes they were intended to repress, and others no less alarming to society, perjury, and the obstructing the administration of justice.

But although these laws are not executed, and may be said, therefore, to exist only in theory, they are attended with many most serious practical consequences. Amongst these, it is not the least important that they form a kind of standard of cruelty to justify every harsh and excessive exercise of authority. Upon all such occasions these unexecuted laws are appealed to as if they were in daily execution. Complain of the very severe punishments which prevail in the army and the navy, and you are told that the offences, which are so chastised, would by the municipal law be punished with death. When not long since a governor of one of the West India islands was accused of having ordered that a young woman should be tortured, his counsel said in his defence, that the woman had been guilty of a theft, and that by the laws of this country her life would have been forfeited. When, in the framing new laws, it is proposed to appoint for a very slight transgression a very severe punishment, the argument always urged in support of it is, that actions, not much more criminal, are by the already existing law punished with death. So in the exercise of that large discretion which is left to the judges, the state of the law affords a justification for severities, which could not otherwise be justified. When for an offence, which is very low in the scale of mortal turpitude, the punishment of transportation for life is inflicted, a man who only compared the crime with the punishment, would be struck with its extraordinary severity; but he finds, upon inquiry, that all that mass of human suffering which is comprised in the sentence, passes by the names of tenderness and mercy, because death is affixed to the crime by a law scarcely ever executed, and, as some persons imagine, never intended to be executed.

For the honour of our national character —for the prevention of crimes—for the maintenance of that respect which is due to the laws, and to the administration of justice—and for the sake of preserving the sanctity of oaths—it is highly expedient that these statutes should be repealed.

Mr. *Windham*. I do not rise with any intention to resist the introduction of the measure proposed by my learned and hon. friend. I certainly concur with him in thinking, that it would be extremely proper to revise many of our laws, especially those laws by which the lower classes are almost solely affected: laws of this description, originating in a spirit of law making, in a certain *legislandi cacoethes* peculiar to our times, have been passed with too much facility; and too much power has been given, too great a latitude of discretion has been intrusted to inferior magistrates. It was upon this principle that I, during the last session, opposed a bill, which I am sorry to hear is to be renewed in the present session. (Probably alluding to lord Erskine's Bill against Cruelty to Animals.) Laws are too hastily proposed, and too easily carried, when they affect only the lower classes: those with whom gentlemen in this House have not so much sympathy as with others; those "whose friend the world is not, nor the world's law." But against the whole doctrine of my learned friend, against his attacks upon the venerable Dr. Paley, I must protest. My learned friend must know that it is utterly impossible to avoid placing discretion in some tribunals, and what tribunals are so proper as the judges of the land, in whom my learned and hon. friend thinks that confidence ought not to be placed. Of Dr. Paley's work upon Moral Philosophy, it is scarcely possible to speak with praise appropriate to its merits. It does not, indeed, contain any thing new; but it has collected and placed truths in such a familiar and pleasing form, as to insure the approbation of the intelligent, and to prevent the unenlightened from being misled. I have ever considered this work to be a great national blessing: its principles are irrefragable: and the attempt which has just been made to impugn them, can only tend to confirm their strength. I shall this night content myself with requesting gentlemen to read, before we meet again, the excellent observations upon criminal law made by this celebrated divine; and to judge for themselves.

The *Solicitor General*. It is not my intention to oppose the introduction of the bills, but I must enter my protest against many of the principles of my hon. and learned friend which seem to form the basis of his motion. My hon. and learned friend may possibly have alluded to me in his observation that there are some persons adverse to all innovation, whether productive of good or pregnant with evil. (No, no, no.) I am ready to admit, that I long have, that I now do, and I ever shall, view all innovations on established systems with a jealous eye. I am proud to confess that I am an enemy to the opposition of theoretical speculation to practical good. Whether they are the doctrines of Dr. Smith or of Dr. Paley, or of any other speculative writer, I shall always be extremely cautious how I agree to alterations in ancient practices, which, although attended with some evils, may, upon the whole, be preferable to the incurring the risk of acting upon new and untried theories. But I am not, therefore, averse from all improvement. Because I cannot assent to principles which have a tendency to overturn the whole system of the criminal law of the country, and to excite odium and discredit upon the judges and the administration of our law, I am not an enemy to all improvement. Our laws may labour under some defects from which no human laws, framed with human imperfections, ever can be exempt. My learned and hon. friend is desirous to cut up by the root all discretion in the judges, and to trust it to juries: but it is utterly impossible to avoid giving a discretionary power, and where can it be so properly placed as in the hands of the judges. We cannot have angels to execute the laws, and men must be subject to the frailties incidental to human nature. Even if capital punishments were to be abolished, except for treason and murder, there must still be a discretionary power given in other cases. The inconsistency of the present motion is too obvious to escape observation. My hon. and learned friend, at the very moment when he proposes to destroy all discretionary power, desires that the judges may be impowered to inflict a discretionary punishment when the punishment of death is abolished; and he proposes to substitute transportation, although he has given notice of an intention to propose the abolition too of this punishment. Am I to be considered an enemy to all improvement because I look with jealousy upon measures frought with consequences so injurious.

My hon. and learned friend has said, that crime is increased by the relaxation of the law. (Hear, hear!) I have never heard this, nor, existing as this opinion does in imagination, do I believe that it in reality exists: and, even if I am in error, if the greatest punishment against some classes of offences is seldom enforced, yet it must be remembered that the power to inflict it imposes a salutary terror against the perpetration of crime. I make these observations, not with any intention to oppose the motion, but solely from the conviction that such principles as I have this night heard stated, ought not to pass unnoticed.

Mr. *W. Smith*. The speech of the hon. and learned gent. who has just sat down, appears to me to be, in the main, so irrelevant to the question now before the House, that I shall confine myself to his misrepresentations of the remarks made by my learned friend who has brought forward the present important motion. The cry of the danger attendant upon all innovation, of the jealousy with which all attempts to reform ought to be watched, of salutary theories and injurious practice, has been so often heard, that its repetition, not very interesting from its novelty, cannot be expected to prevent the fair examination of any plan submitted to the consideration of the legislature. If ever there were a case where this cry of dangerous theory should be disregarded, it is the present case. My honourable and learned friend, to whom the country is indebted for the agitation of this question, has proceeded with that caution which was to be expected from him. He has not advanced a step without facts to warrant all his conclusions. He is not misled by any of these wild, extravagant, and visionary schemes of theoretical perfection at which the learned Solicitor General seems to be so alarmed: but his reasoning is founded on facts, on statements returned to this House, and now lying upon your table. It is not by amusing the House with these old cries against theory, but by answering these statements of facts, that I shall be satisfied. The object of my learned friend is to repeal those laws where the punishments are so disproportioned to the crimes, as to prevent the execution of the law; and by enacting milder punishments, to diminish crime by the certainty of their execution. This the learned gent. opposite construes into a plan for overturning the criminal law of the country. The foundation of the motion made by my hon. and learned friend rests upon the statements returned to the House, by which the inconvenience of the present practice seems to be demonstrated. Unable to meet these facts, the learned gent. has indulged himself in general declamations, applicable, not to the present motion, but against all amelioration of laws, which being, as he says, practically good, ought not, as he thinks, to be made better.

The *Solicitor General*. In explanation of my objections to the principles laid down by my hon. and learned friend, in which I have been misunderstood; I hope it will be remembered, that my observations were cautiously confined to these principles, and that they did not extend to the motion now before the House, which I never intended to oppose.

The *Chancellor of the Exchequer*. The hon. gent. who rose, as he said, solely for the purpose of correcting what he termed the misrepresentation of the statement made by my hon. and learned friend who brought forward this motion, has been hurried by his laudable anxiety into the commission of the offence which he is so desirous to rectify: for he has either most strangely misunderstood, or most unintentionally misrepresented the whole argument of my hon. and learned friend, the Solicitor General, with whose reasoning I have no hesitation in saying that I entirely concur. That the English law, notwithstanding these theoretical speculations, is not practically sanguinary, cannot be more satisfactorily demonstrated than from the statement made by the hon. and learned gent. who has occasioned the discussion of this question, and who will be the last person to suppose that the practice is not a part, or indeed the very essence of the law. He has informed the House that, after a careful examination of the various documents upon the table, it appears that the punishment of death has been inflicted only upon one out of 1,872 offenders. Can there be a stronger illustration of the practical humanity of our law, or of the anxious tenderness with which the discretion so properly intrusted to the crown is exercised. A discretion which, with as much respect as my learned friend for the trial by jury, I should lament to see transferred from the bench to a tribunal formed of men, who, from their education and habits of life, competent as they are to judge of the subjects now submitted to their consideration, appear to me to be ill calculated for the minute investigations which are necessary in the dispensations of mercy. Investigations so intricate, and frequently turning upon such nice, such imperceptible points, that, in the instances adduced this night by the hon. and learned mover of the debate, the motives by which his Majesty's advisers have been influenced seem to have escaped the acuteness with which he is accustomed to examine all subjects that appear to him to have a tendency to promote the welfare of mankind. The hon. gent., in confirmation of his theory, has lamented, in the case of the fowl-stealers, that different punishments were inflicted by different judges, upon two persons convicted of the same offence; and he has intimated his disapprobation of the conduct of his Majesty's advisers upon a late execution for a murder committed in a duel. So different is appearance and reality, so different is theoretical evil and practical good, that I am sure, upon reflection, the hon. gent. will see the probable propriety of the apparent injustice of inflicting different punishments upon two persons convicted of the same offence. Does it require any sagacity to discover that this punishment may well have been authorized, either by the different shades in the same offence, or by the real relative guilt of the two criminals; of whom one may have been an inexperienced youth, misled by the artifices of his companion, an old and hardened offender. With respect to the late execution to which allusion has been made, I cannot be so unmindful of the feelings of the surviving relatives of that unfortunate person, as to dilate upon the imputation; nor so unjust to myself, or disrespectful to the House, as to be wholly silent. It will, I trust, be sufficient for me to assure the House, that the warrant for that execution was signed after the most distressing and anxious deliberation, and with the hope, if possible, to discover that the law ought not to take its course. These hopes were vain. The law of the land was violated by an act which the law, as it is called, of honour, would have itself condemned. The warrant was signed with a deep consideration of the misery of the individual, but from a sense of an afflicting duty due to the community. I cannot conceal the pain which I feel in hearing observations unexpected from the candour of the learned gentleman, and which, if he had troubled himself to have inquired, he would have learnt were unfounded. The warrrant was not signed hastily: it would, I will venture to say, have been sanctioned by my learned friend himself. This explanation I have thought due to myself, to the hon. gent., and to the House. I shall sit down, without pledging myself either to support or oppose the present measure, by merely saying, that I think a case has been made out which is so far deserving the consideration of the House as not to justify any opposition to the introduction of the bills.

Sir *S. Romilly.* As the motion which I have had the honour to submit to the consideration of the House has not met with any opposition, I should not avail myself of the privilege, to which I by courtesy am entitled, of rising to reply, were I not desirous to assure my honourable friend who has just sat down, that he has totally misunderstood me; of which, upon reflection, I am sure he will be satisfied,—and were I not anxious to protect myself from the misrepresentation of my sentiments by my hon. friend near me, (Mr. Windham), and by an hon. gent. upon the opposite side of the House, (Solicitor General), who have thought proper to state that I have attacked the celebrated work of Dr. Paley; that I have not been too respectful to the judges; and who have expressed their alarm that the measures now proposed to the legislature are part of a plan to overturn the criminal law of the country.

In discharge of my duty as a member of this House, I certainly shall never be deterred from freely stating my sentiments of opinions which I conceive to be injurious, although these opinions are sanctioned by the practice of centuries, or supported by the most venerable authorities. From such obedient unanimity, from such attempts to destroy all free spoken truth, I must dissent: but how the hon. gent. can imagine that it was my intention to undervalue Dr. Paley, or that my words have expressed any such intention, it is extremely difficult for me, when I consider the enlightened mind of my hon. friend who has made this accusation, to discover. I am sure it will be in the recollection of the whole House that I anxiously endeavoured to express the respect which I unfeignedly feel for Dr. Paley; and if my real praise is to have as much value as my supposed censure, I am sure it will not be forgotten, that I was not more sparing than my hon. friend in such praise of Dr. Paley, as it is in my power to bestow. I am not so unmindful of the obligations which society owes to the labours of a life devoted, as Dr. Paley's was, to the duties of his calling, and the advancement of knowledge, as hastily to attack any position which he has maintained. But I am too well aware of the infirmities of our nature to suppose, that such extensive speculations can be free from all mistake: and, whatever may be the imaginations of the hon. gent., if he do really conceive that, when attempting to detect unavoidable errors, I am injuring the reputation of an author whose first wish must have been the advancement of truth, I shall content myself with the conviction, that I cannot better manifest my grateful respect for his memory than by endeavouring to prevent any error from being hallowed by his name. My hon. friend must not be supposed to be the only admirer of Dr. Paley: I unite in his praise, and I join also in the entreaty made by my hon. friend, that, before the discussion of these bills, every gentleman who is interested in the investigation will read the remarks upon criminal law made by this so justly celebrated divine.

To the next charge I shall be totally silent, were I to consider only the probable effect of such an accusation upon the minds of the learned judges themselves, to whom I have been supposed to have been wanting in respect. They will not be misled by such imputations. Imputations of which, from the consciousness of their own virtuous motives, they will have no suspicion: and, from their habits of examining evidence before they assent, they will not place any reliance:—they would not condemn a stranger upon such a statement: I am proud to say that I have the happiness to be honoured with the friendship of some of the learned judges; and I am sure they are all too well acquainted with me to imagine that I could for a moment be forgetful of the obligations which we all feel for the faithful discharge of the arduous duties of their situations, and for the pure administration of justice for which this country is so eminently distinguished. It is not to remove any impression upon their minds that I think it necessary to notice the extraordinary insinuations of my hon. friend; but I should wish my hon. friend himself to know that it is not disrespectful to suppose, that unanimity of opinion, upon the most intricate speculations into the motives of human action, is not to be expected from any judges, however enlightened and however virtuous, until they are wholly free from all the failings of man's nature.

It would be a waste of your time to reason upon the supposition of my hon. friend, that an alteration of the law for a particular species of larceny can be intended to overturn the criminal law of England. It is a common, and may be a convenient mode of proceeding, to prevent the progress of improvement, by endeavouring to excite the odium with which all attempts to reform are attended. Upon such expedients it is scarcely necessary for me to say, that I have calculated. If I had consulted only my own immediate interests, my time might have been more profitably employed in the profession in which I am engaged. If I had listened to the dictates of prudence, if I had been alarmed by such prejudices, I could easily have discovered that the hope to amend law is not the disposition most favourable for preferment. I am not unacquainted with the best road to attorney generalships and chancellorships: but in that path which my sense of duty dictates to be right I shall proceed; and from this no misunderstanding, no misrepresentation shall deter me.

Lord *George Grenville* supported the motion.

Leave was then given to bring in, 1st, A Bill to amend the act of king William as to privately stealing in shops, warehouses, &c. to the value of 5*s.*; 2d, A Bill to amend the act of Anne, as to stealing in a dwelling-house to the value of 40*s.*; 3d, A Bill to amend the act of George II. as to stealing on navigable rivers, &c. to the value of 40*s.*

HOUSE OF COMMONS.

May 1, 1810.

[See Vol. XVI. p. 762.]

Sir Samuel Romilly moved the order of the day for the further consideration of the Report upon the Bill for stealing in a Dwelling-house: some amendments were read and passed. On the question that the Bill be engrossed—

Mr. *Herbert* of Kerry said:—I rise with reluctance to oppose this measure which has been submitted to the House by the hon. and learned gent.: but I cannot, from respect to any gentleman, withhold my dissent from a Bill intended, as I conceive, to introduce a dangerous alteration in the criminal law of this country. Unpleasant as the task is, I feel it to be my duty to resist these Bills, and other Bills of the same tendency, in every stage of their progress through this House. The object of these Bills is to render offences hitherto capital, no longer so. As a friend to the old law, I find myself bound to resist such an alteration. It is not right that it should go forth to the public that these Bills have passed through this House, upon the supposition that the criminal law of England is defective. The arguments of the hon. and learned gent., specious as they are in theory, are erroneous in practice. Of this nature are all arguments founded upon the numbers who escape punishment; which, I am persuaded, may be ascribed to very different causes than to defect in the law of England. Deduct from the aggregate all those who are acquitted through the unwillingness of parties to prosecute; through their avarice in declining the cost of prosecution; through their inability to defray the expense; through the ingenuity of counsel, or by means of false witnesses; and from the peculiar nature of the trial by jury, which, amidst many advantages, has some faults, the number of those who evade the law will be considerably reduced. The uncertainty, therefore, ought not to be ascribed to our law. But even allowing the statement to be correct, it would hardly be a fair way of considering the question: for, besides the list of those who have been convicted capitally, the list of those who have been punished in any way should be taken into account. There is a wide difference between any punishment and total impunity. It is, sir, a principle universally acknowledged by all authors on criminal jurisprudence, that crimes should be punished not from revenge, but for example: punishment is not retrospective but prospective. It is inflicted, not because crimes have been committed, but to prevent their future commission. This is the principle of the law of England; it is the principle of the acts of Henry 8, of Philip and Mary, and of the act of Elizabeth, which the hon. gent. is desirous to repeal. By reading the preambles of these acts it will easily be perceived that I am borne out in asserting that the acts were passed, not in the spirit of revenge, but with the just and rational object of preventing crime by the influence of example. Such having been the intention of the legislature, we ought to be cautious in mitigating penalties which were inflicted by the wisdom of our ancestors. Before we abolish existing punishments we ought well to consider how the deficiencies which we may occasion can be supplied. If the punishments in use are not to be retained, what substitute will be recommended by the learned and hon. gent. who is so desirous for their abolition?—Will he introduce the knout from Russia? I hope, before this horrid expedient is adopted, there will be a careful examination of the evidence of those who have witnessed its infliction; who are unanimous in declaring it is more horrible than death itself? Will he, with Beccaria, recommend perpetual imprisonment? Is he desirous to revive the practice of nailing ears to the pillory? Or would he resort to solitary confinement as a milder substitute? Whether milder, whether more merciful or not, I am not disposed now to inquire; but I am convinced that there are many persons in this country who will contend to the last against such a system. I am proud to say that I am one of the number. Upon the whole it appears to me, and will I trust appear to the House, that, in the present state of society, our properties are preserved at the expense of as few lives as possible. I am sure that many offences are prevented by the terror of death; and it is a language which I have often heard among the lower classes, that such a thing ought to be avoided, because it is a "hanging matter." I do not wish, from the observation I have made of its effects, and the view I have of its principles, to alter the laws of England, or make any material changes in the criminal code. I will, therefore, second any person, who, agreeing with me in sentiment, will move any amendment, tending to check the progress of the present Bill.

Sir *J. Newport.*—If, Sir, I could entertain the opinion which has been expressed by the hon. gent. who has just sat down: if I could concur with him in thinking, that the ends of criminal justice, the prevention of crime, would be more effectually attained by severity than by certainty of punishment; I certainly should, with him, resist the introduction of the Bill now before the House: but, as my sentiments are wholly different; as I am satisfied that certainty of punishment is far more efficacious than any severity which is subject to remission and relaxation, I shall most cordially co-operate with my learned and hon. friend to whom we are indebted for the discussion of this important question.

I have long been convinced that the criminal laws of England require great amelioration: an opinion in which I am much fortified when I reflect upon the sentiments of different authors on jurisprudence, and the uniform disapprobation of our system by all foreign nations. They, judging of our law as they see it in theory, invariably represent it as sanguinary, and enacted by a people upon whom the mild spirit of Christian legislation has not moved. We know that in practice it does honour to the kindness of our national character. It is a system which in theory outrages humanity, is in opposition to the general feelings of the civilized world, and is incapable of practical application. The theory of our law, and the practice of our nation, are at direct variance with each other. Can there be stronger evidence of the necessity of a reformation? a necessity which rests upon a principle so clear and indisputable, that it is now adopted as a maxim by every person who has reflected upon the subject. The principle, which can never be too often repeated, is, that, "the real certainty of a lesser punishment will have more effect in deterring from the commission of crime, than the imaginary terror of a greater punishment which probably may never be inflicted."

Instances of this occur daily; and are, I make no doubt, in the recollection of many gentlemen now present. To one, amidst many, I will request a moment's attention. Some years ago an act was passed in Ireland by which it was made a capital felony to cut down a tree by day or by night. A gentleman who dedicated much of his property and most of his time to agricultural improvements; who had planted much, and was much attached to his plantations, was the first to rejoice at this additional security to his property; and having, before the act passed, suffered much from these depredations, he again and again declared, that, in the event of detecting any offender, the law should be put in force. An occasion soon occurred. An offender was detected in the very act of destroying his plantations: and was committed for trial at the ensuing assizes. I well knew what my friend endured upon that occasion:—I had the happiness of his friendship, and the honour of his confidence:—he was a man of the highest worth and of undaunted public spirit; he never relaxed in his resolution to enforce the law; he prepared to proceed, and did proceed to the assize town; but there his fortitude at last failed: he declared that, after the most agonizing deliberation, he could not reconcile to his notions of justice the propriety of being the cause of the untimely death of a fellow-creature for having cut down a tree. My worthy friend afterwards stated to me, that, great as he considered the injury to society in suffering the criminal to escape with impunity, yet he could not be instrumental in procuring his condemnation, even though the crown might remit the punishment. Such was the mode in which a man, far above the weaknesses likely in most cases to interfere, decided.—This, Sir, is the way in which every man who possesses the common feelings of man's nature, must decide in cases where there is not any proportion between the crime and the punishment. But the baneful effects of severe laws is not confined to the minds of prosecutors alone. They have a sensible influence upon the offenders themselves, who calculate upon the chances of escape, from their knowledge that many of their companions have eluded the law, not only by the unwillingness of prosecutors to proceed, but by the dispositions of juries to decide, as it is called, in favour of mercy: ought laws thus to remain a dead letter?—ought this perjury, however it may be sanctioned by the motives, to be encouraged?—The hon. gent. unmindful of the evil attendant upon this lenity of juries, has adduced it as an argument in his justification for opposing the bill, when it is one of the strongest reasons for supporting this salutary measure. Every legislature should well considers the importance of not encouraging any relaxation of these moral obligations, upon which the high feeling, the happiness, and the virtue of society so much depends. Perjury can never be justifiable, whatever be the motive; and of all perjury, that of a jury is most to be dreaded. The hon. gent. has asked, what punishments are intended to be substituted for the punishment of death, which, in these cases, it is proposed to abolish: and he has triumphantly supposed that we must have recourse to the knoot of Russia, or to some species of torture. It is difficult for me to imagine that the hon. gent. can indulge in any ill-timed levity upon a subject so interesting to every man: but it is more difficult for me seriously to conceive that the hon. gent. can be desirous to impute to the benevolent author of this bill, a wish to degrade our national character by recommending any species of cruelty to the legislature of this country. The true cause is not difficult to be discovered. If the hon. gent. had attended to the observations which were made when leave was given by the House to bring in the Bill; or if he had read the Bill itself; he would have discovered that transportation, for a long or for a limited period; or imprisonment, either general or solitary; and each at the discretion of the judge, according to the circumstances of the case, were the punishments intended to be substituted:—solitary confinement, it has been said, may appear worse than death to a person who can be guilty of premeditated crimes. It cannot, if properly moderated, be in reality worse. He enters his cell abandoned to vice, an outcast from society: he may 'turn from his wickedness and live:' he may be restored to the society which he has injured:—but, whatever be the effects upon the individual, the effects upon society cannot be mistaken. When death is inflicted, the example is momentary, and, possibly, injurious: when the culprit is transported, the benefit to be derived from example is totally lost to the community. After a long and anxious investigation of the criminal code of this country, I am satisfied that it is too severe: that, if carried into effect, it would shock the minds of all men, even of those who are its most strenuous advocates; and that, if not intended to be carried into effect, it ought not to continue part of the law of the land. I do, therefore, entirely agree with my hon. and learned friend, that capital punishments should, in many cases, be abolished; and I ardently hope that he will persevere in his career of humanity, without any further obstruction, until he has succeeded in ameliorating the system; in adapting the punishments to the several offences; and in giving activity, effect, and certainty, to the laws, by giving them moderation.

Mr. *Davies Giddy*.—I beg leave to submit to the House the few observations that occur to me on this subject. I certainly agree with the hon. and learned gent. in many of his propositions, although I cannot help thinking that the career of humanity upon which he has entered is likely to be too extensive. If it had been more limited and confined, I should have been happy in contributing, to the best of my ability, in forwarding, instead of obstructing his object. But I now feel it to be my duty to resist the alteration proposed by the present Bill. I am not friendly to any great or violent changes. It has always been my practice in this House to contend for a middle course between conflicting opinions: and to this course I shall adhere, although I am well aware that it is not the best mode to obtain distinction in the House, or admirers out of it:—but it is to assist in the advancement of utility, and not any hope of applause by which I ever have been, and trust I ever shall be, actuated in the discharge of my duties as a member of Parliament. That the laws of England are, in some cases too severe, is a proposition to which I readily assent: but, because they are in some cases too severe, it does not follow, either that they are all liable to this objection, or that they are deserving of censure in as many respects as the learned and hon. gent. seems disposed to contend. The arguments of the learned and hon. gent. appear to me to be twofold.—First, As to the discretion intrusted to the judges: and secondly, As to the relative effects of certainty and severity of punishment.

Upon the topic of the discretionary

power with which, by the laws of this country, our judges are intrusted, the learned and hon. gent. has stated, in his publication, that "the boundary on the side of severity is fixed by nature," and he wishes the law to fix a more precise boundary, rather than to suffer the limit to be defined by the discretion of the judges. I agree that the arbitrary part of punishment, ought, in many instances, to be more limited than we now find it: and I agree also, that, although perfection is a point which we can never reasonably hope to attain, yet we should endeavour in the science of legislation, as in every other science, to approximate to it:—but is this to be effected by transferring discretion from the bench to the jury box? If I could be satisfied that juries were competent to sift and examine all the minute circumstances, and finer shades of each case brought before them, so as to be enabled to decide according to their real merits, I should not have any objection to leave juries in possession of a full discretion. But when it is considered from what description of persons juries are usually chosen, it must be obvious to every unprejudiced mind, that they will be more liable than the judges to fall into error. In stating my sentiments upon this question, I have no wish to shelter myself from any construction by which the use of my expressions may be perverted. I have no fear in adding, that in my view of the subject, a certain degree of arbitrary discretion is necessary, is absolutely essential in all administrations of justice: and, taking every thing into consideration, I have no hesitation in saying, that the discretionary power unavoidably exercised in the administration of the criminal law of England cannot be better vested than it now is in the judges of the land.

As to the effects of certainty and severity of punishment, a proposition might be stated, almost with mathematical precision, that the prevention of crime, from this source, varies in a compound ratio of the severity of punishment, and the certainty of that punishment being inflicted:—and, if this severity and certainty vary, according to some inverse law with respect to each other, it is indisputable that the increase of severity may so far decrease the certainty as to diminish the aggregate upon which the prevention depends. Attention is always to be paid to this ratio: but it may safely be adopted as a general principle, that the punishment should increase with the difficulty of detection. Without trespassing upon the time of the House by entering into a minute application of this principle in any of the more heinous offences, I will confine myself to the single instance of sheep-stealing. Considering the manner in which sheep are, and must be fed on extensive downs; their exposure to depredation, and the difficulty attendant upon the detection of this class of depredators: and considering how much the sustenance and clothing of the people depend upon this useful animal, I cannot but think that whatever alterations may be introduced in other parts of our law, sheep-stealing should continue to be punished capitally.

I cannot sit down without entering my protest against any extensive alteration of our law: I look up with respect to our law, but am not such an idolater of the system as not to be convinced that it is capable of many useful alterations, many salutary reforms: but I have long been convinced that any reformation to be useful must be made in detail; and, so long as I entertain this opinion, I must oppose any attempt to attain *en masse* what, in my view, can only be gradually attained. But, Sir, I am not an enemy to reform. Although I have not reflected as much as I should wish upon the Bill against shop-lifting, my present views of it are far more favourable than of the Bill now before the House. I am convinced that much good may be done; and particularly, in apportioning the punishment, attention should be paid to all circumstances of aggravation or mitigation: such, for instance, as the case of actually forcing the door, or striking the blow, facts at present noticed in proclamations, but omitted in the statutes. By such expedients the commission of aggravated crimes may be diminished; and, when any plan of this nature is submitted to the legislature, it shall have my cordial co-operation; but, for the reasons which I have stated, I must oppose the present Bill.

Mr. *Windham*.—Sir; In considering the system proposed by my hon. and learned friend, which, respecting him as I do, I cannot but view as part of a plan to overturn the criminal law of the country, it will, I am satisfied, save much time, if, before we suffer ourselves to be lost in admiration of the superstructure that has been raised, we stop for a few moments to examine the foundation upon which it stands. It is assumed as an axiom not to be controverted, that the perfection of criminal legislation consists in an invariable, an inflexible execution of the offender the instant his guilt is established to the satisfaction of the tribunal by which he is tried. It is assumed as an axiom that, when a verdict of guilty is pronounced, the execution of the sentence ought to follow as a necessary consequence: and under the expression of "certainty of punishment," it is assumed as an axiom, that the permission of any discretion is a mistake of unenlightened times, which, in these times of reform, ought to be rectified. From this doctrine, founded upon the very rational supposition, that it is extremely easy to lay down certain and precise rules, applicable to every particular case, I shall venture to dissent: and although by this presumption, I may incur the censure of modern reformers, I shall derive some consolation from the consciousness that my sentiments are sanctioned by the approbation of all the legislators of antiquity, and by the practice of all civilized society. The legislators of antiquity calculated, erroneously I presume, upon the variety and subtlety of human action; and, labouring under another error, they supposed, that from the utmost foresight of human legislators not being able to adapt laws to every case, discretion became unavoidable. Modern legislators, convinced of their own omniscience, are fully able to provide for every possible contingency; with them discretion is useless; and the words pardon and mercy, are, for the sake of humanizing our national character, to be abolished: but not with my consent or without my having protested against such inconsiderate alterations.

As the whole of the reasoning of my learned and hon. friend is contained in a pamphlet with which he has favoured the public, and which I now hold in my hand; I will, with the indulgence of the house, (Hear! hear!) state what appear to me to be the errors into which, from a desire to do good, my learned friend has fallen.

This pamphlet opens with a declaration, that, "There is probably no other country in the world in which so many, and so great a variety of human actions are punishable with loss of life as in England." The consequence to be deduced from this is not, however, that the laws themselves are severe; for although the laws may be many, it is scarcely necessary to observe, that the punishments may be few. In the same manner in Dr. Johnson's northern tour, a Scotchman, desirous to prove the abundance of food in that part of the island, told him that eight eggs might be had for a penny; "That," said the doctor, "is by no means a conclusive argument of their cheapness; for, though eggs may be many, pence may be few." Indeed that no inference with respect to the severity of our laws can be deduced from their number, the hon. gent. is himself aware, when, in the next sentence, he says, "These sanguinary statutes, however, are not carried into execution." This statement does, however, fairly put in issue the question before the House: for the whole question turns upon one consideration,—whether, instead of a system by which general terror is excited, and, from the exercise of discretion in the execution of the law, the execution is restricted: another system ought to be adopted, by which the law should be invariably and inflexibly executed.

The advocates for a system by which the law is to be invariably and inflexibly executed, must have recourse to definition: and how can we define with precision, when the description must necessarily be general. Things, when taken individually, may be distinguished: but a description of the species, sufficient to distinguish it from all other things, is a task attended with more difficulty. A circle, when presented to the eye, is obvious; so is an ellipsis, an oblong, and every other figure differing from a straight line: but under a general description of these figures, it would be difficult to distinguish others, which approached to many, and yet did not belong to either. The difference of individual persons is easily known from a variety of facts: their being tall, their being thin or fat; and yet how can we so define as to lay down the proportion of these qualities by which all persons may be distinguished. How would my hon. friend describe homicide so as to delineate on offence which ought to include every case that ought to be punished, and not exclude any case deserving of punishment. To be sure a distinction may easily be drawn between excusable homicide and murder. Every person perceives a difference between the act of a man who kills another for his purse, or way-lays him from revenge, and the act of two men who have been together in a public-house, where, in the course of their conversation they quarrel, and one of them, greatly provoked, takes up the pewter pot and kills the other: but if I am asked, whether this hasty act is murder or manslaughter? must I not know all the circumstances in which it originated, and with which it was attended? and can any definition describe all these circumstances? or near as any definition may reach, ought not some latitude of discretion to be intrusted to the executive magistrate? I remember an instance, some years ago, where a man being provoked in a shop, immediately went over the way and returned with a knife, and swore that, if any one provoked him again, he would run the knife into him. Another quarrel ensued, he stabbed his antagonist in the belly, and his bowels came out. How ought this to have been decided? I felt at the time, and I now know what my opinion would be: but if I recollect right, he was acquitted by the jury. These and a thousand other instances which might be adduced, must shew that every single case must rest upon the circumstances with which it is attended. This must be left to discretion or to definition. If the system of definition be introduced, a single hair may save the most atrocious offender. Precise definition is impossible: much must be left to the juries and to the judges of the land:—it is impossible to work well by machines:—there are machines in this town to make pens; I have never been able to write with them: and if an attempt be made at this perfect operation by law, it will soon be discovered that some of the wheels are defective. I cannot but wonder that this obvious difficulty has escaped the vigilance of my learned and hon. friend: who if he will compare his sentiments of this night with his opinions of the last year upon the Bill to prevent Cruelty to Animals, will perceive how totally he is at variance with himself. In that Bill it was intended that there should not be any thing like definition: indeed it was a subject which did not admit of definition: it affected only the lower orders, and was to be determined by the discretion of the higher orders:—and yet my hon. friend was one of those who supported that law.

In a few pages further we are informed that "A discretion to fix the doom of every convict, if expressly given to the judges, would in all cases be most anxiously and scrupulously exercised; but appoint the punishment by law, and give the judge the power of remitting it, the case immediately assumes a very different complexion. A man is convicted of one of those larcenies made capital by law, and is besides a person of very bad character. It is not to such a man that mercy is to be extended; and, the sentence of the law denouncing death, a remission of it must be called by the name of mercy; the man, therefore, is hanged; but in truth it is not for his crime that he suffers death, but for the badness of his reputation. Another man is suspected of a murder, of which there is not legal evidence to convict him; there is proof, however, of his having committed a larceny to the amount of 40s. in a dwelling-house, and of that he is convicted. He, too, is not thought a fit object of clemency, and he is hanged, not for the crime of which he is convicted, but for that of which he is only suspected. A third upon his trial for a capital larceny attempts to establish his innocence by witnesses whom the jury disbelieve, and he is left for execution, because he has greatly enhanced his guilt by the subornation of perjured witnesses. In truth, he suffers death, not for felony, but for subornation of perjury, although that be not the legal punishment of this offence."

This uncertainty, this infliction of punishment from all the circumstances with which the offence and the offender are attended, arising, as it appears to me, from the nature of laws and of society, is thus held up as deserving of your censure. I am as ready as my friend to allow that circumstances do not constitute the crime: here I am so fortunate as to agree with him: but I must contend that circumstances ought to form, as they ever have formed, a consideration of the proper punishment which the criminal ought to suffer for the crime that he has committed: this mode of arguing that the punishment is awarded not for the crime of which the offender is found guilty, but for his previous bad conduct, or the suspicion of guilt incapable of legal demonstration, is but saying, in other words, that the same punishment ought to await the most hardened culprit, and the youth who for the first time in his life has imprudently yielded to a momentary temptation. Circumstances must ever be taken into consideration, and the assertion that punishment attends the circumstances and not the crime, although it may appear deserving of consideration, is, if investigated, nothing but appearance. When a horse is burthened to the greatest extent, when it is impossible for him to support any greater weight, an additional feather may stop his progress: "the last feather breaks the horse's back," is an old and a true saying; but who ever said the horse's back was broke by a feather? and yet, neglect all the previous circumstances, and this is abstractedly true. A man was, some time since, tried for horse-stealing: in his defence he pleaded that he ran away only with a halter: the circumstance that a horse was tied to the end of it did not enter into his calculation. If we were asked this night whether we were for peace or war, can there be any doubt as to an answer? why, it must depend upon circumstances. As to war or peace universally, we are for neither: but ask us as to any particular war or peace, and we shall be enabled to give a distinct answer: the reason of this difference results merely from our being put in possession of the circumstances of the particular case.

One of the instances cited in support of this doctrine, is the case of a person executed for a murder committed in a duel; and a stronger case to shew the necessity of discretion, could not, as I conceive, be adduced. Divest every case of the circumstances with which it is attended, let the law be inflexible, and other cases will not be treated with less lenity than this: on the other hand, if discretion be exercised, mercy will be extended where mercy can be shewn, although the law must take its course in a case attended with such circumstances, that mercy to the individual would be cruelty to the community. The execution in this case ought not to be charged with cruelty, if it were, as I dare say it was, attended with circumstances which separated it from the ordinary course of decisions upon offences of that description. But if the execution in this case were to result from strict law, without the exercise of any discretion as to the circumstances, and supposing the punishment to be right; then, according to the system of my hon. friend, all others, however different in circumstances, must be generalized with it. Upon this tremendous mode of generalization, justice would, in my opinion, be abandoned. Attention must be paid to circumstances. Discretion arises out of the nature of things: it may, possibly, be productive of some inconvenience; but it is an inconvenience to which mankind must submit. Alter the nature of man, and you may change your mode of legislating: but it is not very philosophical to talk of a fluid while remaining a fluid, as if it were a solid: or to reason upon the properties of solids in a lecture upon hydrostatics.

Various other remarks have been made upon different parts of Dr. Paley's work, which I shall content myself with noticing, as the mistake in which they originate must appear upon the most cursory observation. At one time Dr. Paley is represented as having undertaken to defend all the laws of this country: an undertaking in which no man of common sense could engage. At another time he is represented as having been desirous that our law should not be known: without attending to his distinction between not knowing the law, and not knowing what law will be carried into execution: —a salutary mode of legislation by which the execution is partial, the terror general. I do not impute these errors to my hon. friend: but there are various writers upon this subject: one of whom, a stranger to me, except that he has favoured me with a pamphlet which he has published, has observed, that where thirty men are convicted, and only three of them are executed, the law as to the other twenty-seven is useless. How any man could work himself into such confusion of argument it is difficult for me to imagine. What! is the terror of the law nothing? Does not the execution of the three intimidate others, and thereby prevent the commission of crime? This is most satisfactorily explained by Dr. Paley: and I trust that the House will pause before they permit the alteration which is proposed, and which must be part of a plan to overturn a system that has for ages excited the admiration of every reflecting mind in the whole of civilized society. I confess, indeed, that I am induced to behold this, and all schemes of innovation, with considerable jealousy. To resist crude plans of reform was one of the first lessons of my youth: I shall carry with me the memory, and adhere to the practice of this parental lesson to the grave. In these times I feel more inclined than ever to do so. I do not mean any disrespect to my hon. friend or to any other person. I am unacquainted with names: but I understand that there is a society formed for the purpose of doing away capital punishments. In making any observations upon this subject, I may possibly be thought infected with the horror which I have imbibed from the French revolution. Indeed

I am full of that revolution. It is above us, it is every where around us. I cannot but recollect that similar plans were entertained, and similar societies formed in France. There, too, was a society for the purpose of doing away capital punishments: a glorious society it was; they began by putting their king to death:—upon this, I suppose, they determined as the *grande finale* of their former codes of criminal jurisprudence. I certainly do entertain considerable suspicion of all societies in this country, which attempt innovations and improvements in the laws of the land.

Such are my sentiments upon this subject. I cannot sit down without apologizing to the House for having occupied so much time; (Hear! hear!) but I have the satisfaction of thinking, that my observations cannot be wholly undeserving of consideration; not because they are the result of my own mature deliberation; but because I have reason to believe that the persons most competent to decide upon the expediency of this measure, I mean the judges themselves, wholly disapprove of the alteration intended by my hon. friend in the criminal law of the land. With them I concur in thinking that prevention of crime is the object of all laws, and intimidation the means: and I am satisfied, that, from the present system of law, no mischief can arise. It adapts the execution to particular cases of atrocious guilt, and possesses the advantage of terror in all cases. I, therefore, shall vote against the present motion.

The *Master of the Rolls*. The reasoning of the right hon. gent., who has just sat down, appears to me to be applicable rather to a system which he conceives it is intended at some future time to be brought forward, than to the Bill now before us. The proper time to examine these general reasonings will be when the plan is submitted to the consideration of the House. The present question is merely whether there should be any alteration in the punishment annexed to one particular offence?—namely, whether there should be any alteration in the punishment of death, now annexed to the stealing in a dwelling house to the amount of forty-shillings? and, upon this subject, there are some points in which we all seem to be agreed. It is admitted that the prevention of this crime is the object of the punishment which awaits it. It is admitted that if the mode proposed by my hon. and learned friend be only equally efficacious with the punishment annexed by the existing law, it ought to be adopted: as every person must prefer the attainment of the same end by means less severe. The strict question therefore to be considered is, whether the mode of punishment prescribed by the Bill now before the House will be as effectual in the prevention of the offence, as the mode prescribed by the statute which it is proposed to repeal: This is the strict question. The arguments adduced have indeed been more extensive. It has been contended, and I think with success, that a milder punishment will be more efficacious than a severe punishment in the prevention of this crime.

It is clear that the law and the practice are at total variance with each other. The law says that the punishment of death shall be inflicted for stealing in a dwelling house to the amount of forty shillings. The practice says it shall not be inflicted. As they cannot both be right, the question is, which is wrong, and where the remedy is to be applied? Now I think the practice is right. The practice of not inflicting the punishment denounced by the law comes every day before the observation of the public: Do we ever hear it censured? It is every day before the observation of parliament. Do we think that it ought to be altered? Is there any disposition to blame the judges for not putting the law in execution? Any disapprobation of the lenity recommended by his Majesty's advisers? Does not this silence declare the general opinion of the community? It can scarcely be necessary to observe, that the laws ought not in any country to be in direct opposition to the general opinion. So much of the execution of the law depends upon the public, that their concurrence in the propriety or repugnance to the existence of the law is always an object highly deserving of the consideration of every legislature. But important as it is to the administration of justice in every country, in England it is all in all. We have not any public prosecutor; the feelings and opinions of the party injured must consequently decide whether a prosecution shall be instituted or avoided. The offender may be guilty, the offence may have been committed, but the harshness of the punishment may prevent any prosecution; and, if instituted, must influence the witnesses—Our juries are selected from the people; they are to decide upon the guilt or innocence of the accused: Is not their opinion deserving of the most serious attention? If the law is not approved by those upon whom its execution immediately depends, will it not be relaxed, and will not guilt escape with impunity? Juries are now in a manner forced by their conceptions of the severity of the law, to assume a discretion which was never intended to be given to them. The exercise of any discretion by a jury is most dangerous. They are sworn to try the issue, and to give a true verdict according to the evidence. Upon the sanctity of this oath the trial by jury depends. Relax it, and think what may be the consequences. Ought laws to be so framed that there must be a continual struggle in the minds of your jurymen whether they shall violate their consciences or distress the best feelings of our nature by adhering to the law? The public opinion upon the subject cannot be misunderstood. This deviation by jurymen from the solemnity of their oaths, so far from being censured, has almost been sanctioned by great authorities under the loose phrase of pious perjury. The consequences are obvious: it now has become almost a matter of course for jurymen to avail themselves of every possible circumstance to acquit the prisoner of the capital part of the charge. They know, indeed, that the executions are few; they cannot be unmindful of the lenity of the judges: but notwithstanding this, they are unwilling to risk any thing; they will not trust to another the use of a discretion which they have the power and disposition to exercise themselves. But this evasion of the law does not stop with the prosecutors; nor is this mitigation of its severity confined to the juries: it extends higher:—it is easily discovered in the charges made by the judges from the bench: it is seen in their constant intercession for mercy: it is seen in the conduct of the King's advisers, who, influenced by the same anxiety to spare the lives of this class of offenders, readily apply and easily obtain from the throne a remission of the sentence. This universal confederacy amongst the middling classes of society not to punish these offences by death: this conduct of the higher orders in dispensing with the law, is to me conclusive evidence that in the advanced state of civilization in this country, the punishment of death is too severe for this crime.

You will not, Sir, suppose it to be my wish that this law should be carried into strict execution; or that I subscribe to any theory which is desirous to deprive his Majesty of his prerogative of pardoning offenders. I hardly know any case in which the law ought to be invariably executed; and miserable indeed would be the situation of the country if this power were not possessed by the crown, if his Majesty were deprived of his grateful office of causing law and justice in mercy to be executed in all his judgments. Errors must occasionally be committed by every public tribunal: particular cases must arise where it would be the extreme of injustice not to interrupt the regular course of law. But necessary as pardons are in every well regulated scheme of criminal jurisprudence, it never was supposed that they should be more than exceptions to the general law; it never was supposed that they should be the law itself; it was never intended, nor ought it to be permitted, that the general criminal law should be administered by pardons, whether his Majesty is assisted by his judges or by his confidential advisers: and yet this is the practical effect of the law now under consideration.

It has been urged, that, in the plan proposed by my hon. and learned friend, the very discretion is given in one clause, of which he complains in another. That the trust of a discretionary power is necessary, is not doubted by my hon. and learned friend, and cannot be doubted by any person who has reflected upon legislation. It would be better, indeed, if laws could be framed so as to supersede the necessity of this discretion: but this is impossible: discretion is, to a certain extent, unavoidable and necessary. The question is, to what extent? Is it in such a case as this to extend to life or death: or is it be confined within the limits of the shortest imprisonment and transportation for life? This is the discretion proposed to be intrusted by this bill; it is a discretion to proportion the gradations of a certain sort of punishment to the different gradations of the same crime; but in the punishment of death there is not any gradation; and so long as it is impending over an offender for a crime to which, in the public opinion, it ought not to attach, we must expect a repugnance to prosecute and a disinclination to convict.

It has been said that the object of this

Bill is to transfer the discretion now entrusted to the judges, who are competent to decide, to the juries, who are incompetent. I cannot discover any such object. I certainly agree with the hon. gent. that it would be dangerous to trust a jury with any such discretion; but, so far is this from being intended by the present Bill, that one of the strong reasons in its favour, is, that it will prevent this discretion being forced upon them by the severity of the law.

One hon. gent. has said, that intimidation was the object of the existing law, and that it was the intention of the legislature that it should be but rarely executed. I cannot conceive that any legislature would pass such a law with any such intention: it must have passed from a persuasion of the enormity of the offence, and that the offenders should generally be executed. Opinions and manners have changed, and it is proposed that the law should change in conformity with these alterations. But even supposing for a moment that such could have been the original intention of the legislature, it does not follow that this intention may not have been founded on a mistake. It is not by the fear of death, but by exciting in the community a sentiment of horror against any particular act, that we can hope to deter offenders from committing it; and, although the threat of death may tend to increase this horror when it is in conformity with the public sentiment of the crime, it must be remembered that, when it is in opposition to this sentiment, it may have a tendency to diminish it. If intimidation will prevent crime, why should not the terror of death attend the most trifling offences? Why stop at the terror of death for any offence?

Not being convinced by any reason which I have heard adduced against the clear and simple principle upon which this Bill is established, I think the alteration may be made without any hazard, and with great prospect of diminishing crime by rendering the punishment more certain. I shall therefore give it my support.

The *Attorney General.* If, Sir, my opinion of the facts upon which this measure is supported were the same as the opinion of the right hon. gent. who has just sat down, I certainly should concur with him in the conclusion which he has made: but I am so unfortunate as to differ; and, looking up, as I do, with the greatest respect and deference to his judgment, I should hardly venture to confide in myself, were not my sentiments the result of many years practice in our courts of criminal law both as an advocate and as a judge. From the observations which I have been able to make, I have never discovered any unwillingness in prosecutors to appear, or any obstruction to the advancement of justice by this supposed influence of the present law upon the minds either of witnesses, of jurymen, or of the judges. It is not, therefore, with the conclusions of my right hon. friend, for they certainly are unanswerable; but it is with the facts upon which these conclusions are established, that we are at issue.

It is admitted that many offenders have been executed for the crime of stealing in a dwelling house to the amount of 40*s*. It is admitted also that many convicted of this offence have been pardoned of the extreme part of the sentence, and have suffered a punishment proportioned to their crimes. From this power of mitigation unnecessary severity is avoided: and from the consciousness that the law is occasionally enforced, the terror of its infliction operates in the prevention of offence: the effects of this law are apprehended rather than felt; it acts by prevention and not by punishment. It may be difficult, perhaps impossible to adduce instances of the efficacy of this terror, because the acts that are prevented are never seen. But, although its influence is invisible, and it moves silently and without noise, terror is not the less inoperative. It is not, however, by terror alone that the present law is intended to act: cases may and do exist where the stealing in a dwelling house ought not to be punished capitally; but there are many cases, some I have known in my own experience, attended with such circumstances as to render this severity necessary. In the early part of my life it was not uncommon for these offenders to enter the cottages of labourers when engaged with their families in the harvest field, and to strip and plunder them of all their store. Ought not the punishment to be inflicted for such atrocity? By the salutary effects of the present law this crime has much diminished; and I cannot hastily consent to the abolition of a law which has in many cases been productive of good, and which does not appear to have been attended with any evil. If experience had proved the existing law to be pernicious, I should be most anxious to assist in its repeal; but without such proof, I must resist every attempt at innovation upon any untried theory. That no such proof has been or can be adduced may be inferred from the sentiments of those who are most competent to decide upon its practical utility. I mean the judges themselves; who, from their high offices and their opportunities of daily observation, ought, I conceive, to have been consulted respecting this change.

It has been contended that, from the uncertainty of the punishment, offenders are not deterred from the commission of the crime. If the culprits escaped with impunity, this reasoning would, most indisputably, be correct; but, even supposing that this uncertainty with respect to the infliction of the punishment of death does exist, still it must be remembered that there is a certainty of the same punishment which is intended to be introduced by the Bill now under discussion. Cases, indeed, may exist, where a convict ought to be wholly pardoned: they are, I am afraid, but few: in other cases the offenders are subject to the same punishments which, by the present Bill, are intended to be substituted for the punishment of death. It appears to me therefore, that the law, as it now stands, has all the power of punishments given by the Bill now before the House, with the additional power of preventing offences by the terror of death.

The question now before the House is of the most serious nature: I cannot but consider the proposal as a preliminary step to a further alteration in our criminal code, and I consequently view it with great jealousy; for, much as I respect the talents of my hon. and learned friend, I cannot give my assent to a plan tending to undermine the whole of our criminal law; which, with a few defects, is attended with more advantages than any system in the world.

Mr. *Morris*. After the very full discussion of the question now before the House, I shall request your indulgence only for a few moments, in answer to some observations made by my hon. and learned friend who has just sat down. And without presuming to oppose my want of experience in criminal proceedings to his frequent opportunities of observation, I shall content myself with stating facts that have come within my own knowledge; which, limited as they are, have been sufficient to convince me of the expediency of the alteration now proposed to parliament. Until very lately my professional practice was principally confined to our criminal courts, both at the sessions and upon the circuit: where I have daily witnessed these pious perjuries, these amiable weaknesses, as they are called, by which the prosecution of offenders is prevented: by which witnesses and jurymen are induced to gratify their own kind feelings by a violation of their oaths. I have no hesitation in saying that this relaxation of the law, originating in an opinion of its severity, prevents the punishment of criminals, and has a great tendency to multiply crime. That there are cases where the punishment of death ought to be inflicted I am not disposed to deny: this, however, is not any general question upon capital punishment, but a particular question whether there ought not to be a mitigation of the punishment of death for stealing in a dwelling house to the amount of 40*s.*: and, this being the question, I am at a loss to discover how the hon. and learned gent. who spoke last, wishes to apply the instance which he has mentioned of robberies committed in the cottages of labourers. It is by a distinct statute made a capital felony to steal to the amount of 5*s.* by breaking any dwelling house in the day-time, no person being therein.* There is no question now before the House as to the repeal of this statute. The only question is as to the mitigation of the punishment for stealing in a dwelling house to the amount of 40*s.* The statutes and the offences are quite distinct. I am, therefore, unable to discover the relevancy of this allusion to larcenies committed in cottages.

With respect to the discretion intrusted to the judges, the present Bill proposes not to destroy its existence, but to limit its extent. I may be in error, but I certainly do conceive that the trust of any discretion is an evil: unavoidable indeed, but partaking of the nature of evil: and, being so, no legislature will grant more discretion than is absolutely necessary: and no judge, in whom discretion may safely be confided, will feel any anxiety for an augmentation of this awful trust. If I could concur with the hon. and learned gent. (the Attorney General) in thinking that the judges were desirous to possess this power, I should consider this very opinion as a reason for more caution on our part, than I do consider necessary, when I reflect upon the intelligence and humanity for which their administration of justice is so eminently distinguished. Being persuaded that great benefit will result from the adoption of this Bill, it shall have my support.

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* 39 Eliz. c. 15. 3 and 4 W. and M. c. 9.

Mr. *Frankland.* Unanimous as the advocates for the present Bill seem to be in their opinion, that the existing law is incompetent to attain the end intended by the legislature; it is rather extraordinary that not one of the magistrates, interested as they must be in the administration of justice, have come forward to apply for its repeal. So far from having any disposition to alter the existing law, if I rightly understand what has been said by some hon. gentlemen who have spoken this night, all the judges of the land are convinced that the proposed reform is fraught with consequences the most injurious. Instead of any representation having been made at your bar of the difficulties attending the administration of justice, from the reluctance of prosecutors to institute legal proceedings; from the dispositions of witnesses to prevaricate; the inclinations of jurymen to forget the solemnity of their oaths: and the frequent necessity of the judges to prevent the regular course of law: instead of any representations of this nature having been made, we hear that the present system meets with the approbation of all the judges of the land. There is nothing astonishing in this: for, pleasing as these theories now submitted to your consideration may appear, when examined it will be seen that they are nothing but appearance. I have heard much of the discretionary power with which our judges are intrusted, but I have not heard any thing of the abuse of this discretion: nor have I heard any reason to satisfy me that we may not safely continue this trust which has been exercised with so much benefit to the country. Sanguinary as our criminal code is said to be in theory; it is, in its practical application, allowed to be as mild as any system under the sun. Why then alter it? The fact is, that, without much of penal law, there is much of prevention. Is it not better that the laws should operate by terror than by punishment?

We have been told that our code of criminal laws has been considered as sanguinary by all foreigners. Possibly it may: but of what importance is this, when we know that their practical humanity is consistent with the kindness of our national character? If a foreigner were to walk in our suburbs, he, from seeing the rattles and blunderbusses in the windows of our citizens, might conclude that we were a ferocious nation, scarcely emerged from a state of barbarity: but I am much deceived if he would long remain amongst us without discovering his error, and without being amused at any desire he might have felt to destroy these instruments of terror, which, without injury to any person, are a safeguard and a protection to their owners. They act as a terror to thieves, although a shot may not be discharged for twenty years.

But, it must be remembered too that the system of criminal law in this country is framed in conformity with the manners and customs of the nation. In other countries the subjects are surrounded by informers: the hand is watched, at the very moment when it is acting: in this island, happily for its liberty, the system is totally different. Do the gentlemen who are such strenuous advocates in favour of this Bill desire that the modes observed in other countries should be adopted in this? Is the police to be let in upon the amusements and societies of England? I have been where armed men have entered the ballrooms, have observed the particular manners of the dancers, and, if they saw any thing displeasing to them in the motions of the company, have insisted upon their turning partners in a different manner. I trust that such intrusions will never be recommended amongst us: and yet, without a strict penal law, there must be a strict police. By altering part of our criminal code, we shall produce no certain good; but the alteration will be attended with the certain evil of destroying the lofty spirit, the spirit of confidence, those high and noble sentiments, which are the best safeguards against crime, and upon which our liberties so much depend.

I must therefore oppose this Bill, which I consider as the first step towards an important, and, as I conceive, a dangerous innovation.

Mr. *Wilberforce.* The reasoning urged in opposition to the motion, which has this night been submitted to the House by the hon. and learned gent., may be considered either as it applies to the particular statute which it is proposed to repeal, or as it applies to the general principles of penal jurisprudence.

The question now before us, is, however, simply whether that part of a statute which inflicts the punishment of death for stealing in a dwelling house to the amount of 40*s.* should be repealed. Upon this subject I have no hesitation in saying that the motion for the repeal of this statute has my unqualified approbation, and shall have my strenuous support.

It has been admitted, that of 1872 persons convicted of this offence, one only has been executed:—what is the inference to be deduced from this? Is it not clear that either the law or the practice is defective? and is it not allowed that the practice ought not to be altered?—But it has been said that, although the practice is deserving of commendation, and is consistent with the humanity of our national character, the law ought to remain in force, to be operative by terror, and not by punishment. My sentiments are totally different. I cannot conceive that this ought to be the ordinary course of law: nor can any ingenuity mislead me into the belief that the interests of society require the continuance of a law, which is so adverse to justice, and at such direct variance with our feelings, as to be virtually abrogated. Upon the present system the rule has become the exception, and the exception the rule: and what are the consequences of this inversion? The infliction of death, instead of being designated by a known law, is left to the discretion of the judge:—a momentous trust, ever to be regarded with jealousy: and which, however purely it may be executed, will always have such an influence upon prosecutors, upon witnesses, and upon juries, as to produce the frequent impunity of guilt. Of this the hon. gent. who spoke last, (col. Frankland) seems to have been aware, when, instead of meeting the objection by argument, he has had recourse to a sort of humour to satisfy the House that severe laws do not defeat their object, and give pain to those feelings which it is of the most signal importance in the administration of justice to keep alive. In this humorous allusion, however, the hon. gent. appears to me not to have stated his case of the blunderbusses with accuracy. He supposes that this instrument produces its effects by remaining quietly in the window of its possessor: the analogy to the motion now before us would have been correct, if, instead of remaining thus quiescent, the honest citizen had been represented as firing it regularly for one thousand eight hundred and seventy two times without hitting one of the depredators at whom it was levelled: in this case I presume the hon. gent. would not calculate upon any great terror being excited by this warlike engine, nor object to its being removed: and yet this is the exact case of the law which it is now proposed to repeal.

The hon. gentleman has stated as reasons in opposition to this motion, that, by assenting to it, we shall affect the whole code of criminal jurisprudence and endanger the liberties of the country, which he has represented as being intimately connected with the severity of the penalties attendant upon the violation of our laws. How the repeal of a single statute can endanger the fabric of our laws the hon. gentleman has not explained: and I can scarcely suppose him serious in contending that there is any such connection between liberty and severity. If the severity of our laws is a test of the liberty of the subject: if freedom is to decline and fall as humanity and kind feeling advance, then are we, indeed, in a progressive state to slavery. In the reign of Henry 8th the executions were averaged at 2,000 a year. This, according to the argument of the hon. gentleman, must have been the brightest period of English liberty. In queen Elizabeth's reign, when the reformation introduced a purer religion and more humane conduct, a fatal stroke must have been experienced by our liberties, for in that reign the annual executions decreased from 2,000 to 400. From that hour to the present there has been a perpetual advance in the merciful administration of justice, and, consequently, according to this reasoning, a correspondent advance in tyranny. I so totally differ from the hon. gentleman, that I am satisfied there is no such sympathy between cruelty and liberty: but, as the rigorous justice of our forefathers has been tempered by the gentler morals of our religion, so we may safely continue to encourage these humane dispositions without any danger to our own freedom, or to the liberties of future generations. Such have long been my sentiments upon this important subject: and it is a satisfaction to me to reflect that I am fortified in my opinion by the concurrent testimony of many able statesmen: and particularly by an hon. friend of mine, now no more, whose whole life was devoted to the service of his country. So deeply was Mr. Pitt convinced of the improper severity of our laws, that, to my knowledge, that distinguished person had it in contemplation to submit the whole of our penal code to the revision of some able lawyers, for the purpose of digesting a plan to diminish the sanguinary nature of its punishments, so inconsistent with the justice and humanity for which this country is so peculiarly distinguished. It is a great satisfaction to me to discover that a spirit of inquiry is excited upon this subject: it will, I trust never rest until some plan is adopted to prevent the repetition of crime, not by threats of extermination which cannot be enforced, but by the certainty of punishment, and by the amendment of the criminal, and particularly by the general establishment of penitentiary houses, from which we know that such beneficial effects have resulted. To the able and eminent lawyer who has undertaken this noble task, I for one must declare that I feel the most unfeigned obligation: and I please myself with thinking that the noble motive by which he is actuated will prevent his being deterred by any obstacle: and that, be the obstacles what they may, he will persevere and succeed, as he must eventually, in the great cause of humanity in which he is engaged.

The *Solicitor General.* I have great pleasure in seconding the recommendation of my hon. friend for the establishment of penitentiary houses. I have myself witnessed the good effects of that excellent system, which is founded upon a principle in direct opposition to the modes of punishment now generally adopted. The object of penitentiary houses is to reform offenders and to restore them to society. The object of ordinary imprisonment, of the hulks, and of transportation, appear to be merely a prevention of a repetition of the offence: the consequence is, that the bad habits of depraved men are confirmed or rather aggravated by these punishments. It certainly, therefore, is necessary to devise other means for the amendment of criminals, and I am not acquainted with any means so well calculated for this purpose as the system prescribed by the act of the 15th of his present Majesty, for the establishment of penitentiaries. When any plan of this nature is brought forward, most happy shall I be to give it my cordial support:—but the present question is of a very different nature; we are required to repeal a salutary statute, for reasons which, plausible as they may be in theory, are totally destitute of any solid foundation. It has been contended that the severity of the punishment occasions impunity, from the aversion of prosecutors, of witnesses, and of juries, to convict. It is always easy to assert, but often difficult to prove. How can this position be established: no attempt of this nature has been made: for my own part I am quite astonished at the assertion. With respect to the prosecutors it is manifest that they cannot be deterred, because, if they dislike the capital part of the charge, they have nothing to do but to omit it in the indictment, and proceed for the simple larceny; with respect to juries, even if they are so apt, as it is said, to reduce the value of the goods stolen, in order to evade the capital punishment, how can this afford any facility to the escape of guilt, as the evasion of the punishment of death cannot secure impunity to the criminal or the infliction of a less punishment than is proposed by the present Bill. I cannot but conceive that the whole of these suppositions originate in mistake. In the course of my professional practice I have had frequent opportunities to observe the conduct of prosecutors, of witnesses, and of juries, and I never observed that the fear of inflicting the punishment of death possessed any of the powers this night ascribed to it. But, even supposing that I am mistaken, supposing that the severity of the punishment may have this effect, it will not, I suppose, be contended that it is wholly inoperative upon the minds of offenders: and upon the balance between its effects upon the mind of the offender, and upon the mind of the party injured and of the public the conclusion must be established. This is the strength of the argument in favour of the motion made by my honourable and learned friend: it has not produced any conviction on my mind: nor have I heard any reason to induce me to consent to the mitigation of a punishment for one of the most serious offences with which the peace of society is interrupted: an offence which, if the punishment be relaxed, may soon be destructive of all the comforts arising from the domestic relation of master and servant. I shall therefore oppose this motion, which has a tendency to abridge the discretion intrusted to the judges, and to introduce an innovation where no practical mischief is found to result from the existing establishment.

Mr. *Canning.* I cannot but be apprehensive that my reasons for the vote which I shall give this night may, possibly, be misunderstood; for, although it is my intention to vote in support of the motion made by the honourable and learned gentleman, I certainly subscribe to much of the general reasoning adduced by his opponents, and am not a convert to all of the arguments ascribed to the learned mover upon his opening, when I unfortunately was not in the House.

The question now before us does not extend to any general plan for an alteration of our penal code, but is limited to the expediency of altering a particular law. The arguments of the hon. and learned gentlemen who oppose the present motion are, however, framed upon the supposition that this is a proposal for a total change in the criminal law of the country: as such they appear not to be wholly irrelevant: the points now at issue before us, as far as I have been able to collect them, are, whether it is proper in this instance to diminish the discretionary power intrusted to the judges? and whether the certainty of the punishment inflicted by the statute of Elizabeth is not decreased by the prevalent opinion in the community that the penalty is too severe?

As to the discretionary power with which the judges are now intrusted, it must be remembered that it is a most awful discretion; a discretion by one man is to give or to take away the life of another: I can scarcely conceive it to be the subject of serious argument that this trust ought, unless from unavoidable necessity, to be confided in any magistrate, even although he may be endowed with all the noble feelings by which our judges have raised the character of this country for the pure administration of justice. The trust of discretionary power in judicial proceedings is, indeed, from the difficulty of describing the gradations of crime, not always to be avoided: but, when this necessity does not exist, the legislature ought not to grant what every upright magistrate must reluctantly receive. Whether such necessity exists in the present case is the immediate subject of this part of our present inquiry. It appears to me that it does not exist, and that the ends of justice may be better attained by the discretionary punishments not extending to death, which are proposed by this Bill to be annexed to the offence now punishable by death.

Upon the next topic, whether the certainty of the punishment is not diminished by the opinion entertained of its severity, there is one fact which seems to be admitted as indisputable: I mean, that the punishment awarded by the statute is inflicted upon a very few of the offenders who are committed for trial: unless I am mistaken, it is not inflicted upon one in a thousand. If this is admitted, the inference appears to me to follow of course. Something, some where or other, is wrong. It has been truly said that this error must be either in the practice or in the law itself; but it is admitted not to be in the practice, and must consequently be in the law. My hon. and learned friend who spoke last has contended that, even if the opinion of the excessive severity of this law have an effect in preventing the conviction of offenders by its influence upon the minds of prosecutors, of witnesses, of juries, and of the judges, yet that the opinion of this severity must also have an effect upon the minds of the criminals, and prevent, to a certain extent, the perpetration of crimes: and that the whole good or evil must be estimated by balancing these opposite effects. This cannot be controverted: but does my honourable and learned friend mean to contend that the remote fear of death being inflicted will have such a powerful operation upon a misguided mind under the influence of a strong and pressing temptation to do wrong: as the immediate fear of inflicting death unjustly will produce upon kind dispositions actuated only by a desire to discharge a painful duty to the public? I am sure that my hon. friend has too much knowledge of human nature to entertain such an opinion. When the punishment is too severe, kindness will ever be more unwilling to inflict than atrocity to expose itself to the remote risk of a distant punishment.

There is another observation made by my hon. and learned friend, (the Solicitor General) upon which I must say a few words. He has stated that the opinion of this severity cannot deter prosecutors from instituting legal proceedings, because it is optional with them whether they will proceed for the capital offence or for a single felony. I cannot but express my astonishment at such a remark made by my hon. friend, particularly when I consider the profession in which, so much to his own credit, he has passed his life. I do contend that, without violating his duty, it is not optional with the prosecutor to commute the punishment. It is incumbent upon him to state the offence as it really exists, to state the truth and the whole truth, be the legal consequences what they may: these consequences are not for his consideration but for ours: the legislature is to award the punishment, without giving any discretion to the party injured for any exercise either of his humanity or malignity. I may be in error, but I conceive that an acquittal for a single larceny is not any plea to a new indictment for a capital offence. How, therefore, can it be said, that a prosecutor may make his election so as not to injure the prisoner?

Entertaining these sentiments of the effects of this law upon the minds of the various persons concerned in the punishment of an offender, it appears to me to be of the utmost importance for us to prevent them; it is of the utmost importance that we should prevent the evasion of justice by sanctioning these perjuries, which, to save the life of a fellow-subject, our countrymen will commit; for it is vain to suppose that they will enforce your laws which are repugnant to the best feelings of our nature: which are in opposition to those merciful dispositions that have for centuries been inculcated amongst us, and for which our national character is raised to its present height, and is respected throughout the world.

It has been said that the Bill now before us is a dangerous innovation, which we all ought to regard with suspicion and jealousy. It is, I trust, scarcely necessary for me to declare that I am no friend to any speculative innovations, but I cannot, upon the present occasion, discover any cause for this alarm, unless every species of revision and improvement is to be rejected as injurious. Fortunately for this country no such opinion has ever prevailed. The act of parliament which it is the object of the present Bill to repeal was, upon its original enactment, an innovation, but our ancestors were not afraid to adopt it; circumstances, times, and above all, opinions have changed, and what is there to be dreaded in adapting a penal law to the sentiments of justice now entertained by the community? As to the danger of this Bill leading to a great and universal alteration in the criminal jurisprudence of the country, I cannot discover any ground for such a suspicion. The vote which I shall give this night will never be considered by me, and cannot be considered by any hon. member, as a pledge for a vote which I may at any future time give upon any other Bill that may be submitted to the House.

Upon the whole I am of opinion, that the present Bill is highly expedient for the advancement of justice, and that, by lowering the scale of punishment, the impunity of offenders will be prevented. I therefore shall give it my support.

The *Chancellor of the Exchequer.* After the long and able discussion upon the Bill now before the House, I shall trouble you only for a few moments, in stating the impression upon my mind by which I am induced to resist the motion of my hon. and learned friend.

The question is very simple: it is whether the statute of Elizabeth, which it is proposed to repeal, or the bill now submitted to the consideration of the House, is best calculated to lessen crime? But, simple as the question is, the reasons in favour and in opposition to the measure are extremely complicated; and being so, seeing darkly as we do, I am disposed to give my vote in concurrence with the sentiments of practical and experienced men. If I had heard any representation of the bad effects of the existing law, made by any of the judges, or by any magistrate engaged in the administration of penal justice, I should be inclined to attempt the change: but this is so far from being the case, that I understand it to be the unanimous opinion of the bench that the alteration will be attended with consequences the most injurious. I therefore shall resist this proposal to overturn by plausible but untried theories the established practice of centuries.

I shall add only one word upon an observation by my hon. friend who spoke last. It has been contended in favour of the present measure, that an opinion of the severity of the statute of Elizabeth has a tendency to occasion the impunity of offenders, from the disinclination of individuals to prosecute, or of the court to convict. My learned and hon. friend who sits by me (the Solicitor General) has truly stated, that, even allowing this to be the operation of the statute, the effect which it has in preventing the perpetration of crime by its terror upon the mind of the criminal must also be taken into consideration, and that upon the whole, the balance will turn in favour of the law. To this observation I cannot think that the answer given by the hon. gent. who spoke last is satisfactory; because the opposition is not to be made according to his supposition, between the scruples of a humane prosecutor or juror, who may be agonized at the idea of being instrumental in inflicting an excessive punishment, and the hardened offender who cannot be deterred by any fear; but the opposition ought to be made, according to the statement of my learned friend the Solicitor General, between such prosecutor or juror, and persons first exposed to temptation who will be intimidated by the consequences of yielding to their bad inclinations.

After the length of this debate I shall not trespass upon the attention of the House, nor should I, indeed, have made these few observations, could I, with satisfaction to myself, have given a silent vote upon this occasion.

Sir *Samuel Romilly* said, that after what had been urged in defence of the bill in the course of the debate, it could not be necessary for him to occupy much time in his reply. That the objections offered to the Bill were of two kinds; the first related to the opinions of the author of the measure, and the further objects which he was supposed to have in view, and the latter to the supposed demerits of the Bill itself. That he could not understand why if the Bill were good in itself it should be rejected, because he, the author of it, entertained, in the opinion of some gentlemen, very erroneous notions in criminal law. That if he were soliciting a personal favour for himself, it might be very just to refuse it on account of other parts of his conduct; but if in this measure he was right, what mattered it that in others he had been wrong. That with respect to further objects, he had never said that he had any, and even if gentlemen chose to give so much weight to their own conjectures, as to what he might propose in future, as to judge of this measure by others, which they supposed were to follow, it was difficult to understand how the passing of this Bill could facilitate the passing of any other, unless, indeed, the benefits which upon experience should result from this, were to form a recommendation to further alterations. That he had been much surprised at some of the various objections which had been made to the Bill itself. One gentleman had very fancifully imagined, that it tended to introduce something very like the old French police, and another saw in it the beginning of change, which might not stop till it had brought about a revolution, like that which had taken place in Fance; that he could not but be astonished at the imaginations which could discover such consequences in an attempt to reform, in a very few articles, the criminal law of the country. That he had been represented as being actuated by very mistaken notions of humanity. That though he certainly did not feel it to be a great reproach, to have acted from motives of humanity only, yet he must say that he had never professed to be acting from such motives; that he proposed the present Bill, as one more likely to prevent the commission of the crime, against which it was directed, than the present law; he rested it upon grounds of policy and expediency, and the coldest and harshest reasoner upon such subjects, was as much bound to support this measure, as those whose generous hearts felt most sensibly the unnecessary sufferings which were inflicted on their fellow creatures. It had pleased the opposers of the Bill to say that he proceeded upon theory only; but he denied the charge, and insisted that he proceeded solely upon facts, and that his opponents upon this occasion were mere theorists, and clung to their theory in defiance of all experience. That the crime of stealing in dwelling houses had greatly increased under the present existing law, could not be, and was not denied, but, that fact was strangely appealed to as a ground for leaving the law unaltered. That the severity of the law as it now stood, prevented men from prosecuting, was a truth that few persons who would only reflect upon what had passed under their own immediate observation, could entertain any doubt of. The Solicitor General, however, had by argument denied that this could be the case, because prosecutors, he alledged, were not bound to indict capitally, though the crime by law was capital. An extraordinary state of the law, to be approved of by men of high rank in the profession, that it should depend not on the will of the legislature, or of any public officer, but of the most obscure persons in the community, whether the criminal tribunals should have cognizance of the offence as a capital crime, or as one far inferior in degree of criminality. That this, however, proceeded on mistake, for though in many cases it did depend on the prosecutor, whether he would indict capitally or not, yet it was not so in all cases; and where the criminal was committed as for a capital offence, and the prosecutor bound by recognizance, to prosecute, he might be compelled to indict for a capital offence.

That, however the fact might be, it certainly was not generally known that a prosecutor might indict in what form he pleased, and the fact undoubtedly was, that persons robbed submitted patiently to the wrong because they apprehended that a complaint might cost the offender his life; that this most frequently happened in these offences which are considered as the most aggravated of any that come within the description—the robbery by servants of their masters' property:—how many persons are there who think that the loss of their property is nothing when compared with the evil of having the rest of their days embittered by the recollection that they had sent to die by the hands of the executioner, a fellow creature with whose countenance they had been familiar, and who had been for years attending them and doing them offices of kindness. That it was not prosecutors only, but witnesses and jurors who were deterred by the severity of the law, from a just discharge of their duty. That juries were in the habit to avoid the severe penalty of the law, of acting in violation of the sacred oaths they had taken, and of finding verdicts against the clearest evidence. Amongst many examples which might be mentioned, it happened little more than a twelvemonth ago, a woman of the name of Bridget Macallister had been indicted at the Old Bailey for stealing in a dwelling house a ten pound bank note; it was by itself in a box which was of no value; the fact was clearly proved, and the jury found her guilty of stealing what was of the value only of thirty-nine shillings. Thus twelve men executing a most sacred judicial office, declared before God, and as they hoped themselves for salvation, that a ten pound bank note was worth only thirty-nine shillings. It might be well doubted whether this was a crime inferior in moral guilt, or of less dangerous example than the offence which it was intended to screen. That a right hon. friend of his (Mr. Windham) who had treated with ridicule the doctrine, that the certainty was much more efficacious than the severity of punishment for the prevention of crimes, probably did not recollect that Dr. Paley, whose authority he had held up so high, and whom he had represented a having the singular good fortune of being always right, lays down that position himself as one that is incontrovertible, That it had been alledged that all the judges were adverse to this measure; upon what authority that was asserted he knew not: he had sent to all of them a statement of his view of the subject; and although he had the honour of being known to all, and of enjoying the friendship of many of them, none of them had signified to him their disapprobation of what he had proposed. Judging by their conduct in refusing as it were by common consent to execute this law, he could not but conclude but it was their opinion that it onght not to exist.

There were some, indeed, of the evils resulting from the present system, of which the judges had an experience, that no others could have. Any person who had been in the habit of attending in criminal tribunals, must be sensible that nothing was more admirably calculated to make a deep and lasting impression on the minds of the spectators, and to command obedience to the laws, than the awful ceremony which takes place after an offender has been capitally convicted; the judge proceeds to pronounce upon him the dreadful sentence of the law, and to exhort him to prepare himself to meet his Creator; but when it is known that the convicts on whom this sentence is pronounced will probably not be left for execution, it loses all its effect, und becomes a mere idle form; this probability, indeed, has often the fatal effect of making the prisoners deaf to the admonitions they receive, and delude themselves with false hopes, till at last the order for their execution arrives, and their condition is the more miserable from the very hopes which they had permitted themselves to indulge.

The House divided, when there appeared to be,

For the motion	33*
Against the motion	35
Majority	—2

On our re-admission, we found sir S. Romilly lamenting the thinness of the attendance, and hoping that they would not in that state of the House press the consideration of the remaining Bills. Mr. Brougham, Mr. Wilberforce, and Mr. Giddy, supported this opinion; Mr. Perceval and Mr. Ryder spoke in favour of an immediate decision: but the further consideration of these Bills was, without a division, postponed for a few days: when the Bill for privately stealing in a shop to the value, passed without any division.

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* For a List of the Minority, see Vol. XVI, p. 780.

HOUSE OF LORDS.

Wednesday, May 30, 1810.

[See Vol. XVII, p. 198*.]

PRIVATELY STEALING IN THE SHOP.] Upon the order of the day being moved, That the Bill for repealing so much of an act of William 3, relative to stealing privately in shops, warehouses, &c. to the value of five shillings and upwards, as far as relates to the punishment of death without benefit of clergy, be read a second time,

Lord *Ellenborough* rose and addressed the House to the following purport: My lords, it is my intention to move that the further consideration of this Bill be postponed to a future time; and it is not without reluctance I shall proceed to state my objections to the measure, but I consider myself bound so to act from a consideration of duty. Though I feel it ungrateful to oppose the wishes of those who are attempting to introduce this innovation into the criminal law of the country, and with all my deference to them for the purity of their intentions, and giving them every credit for the ingenuity of their speculations; yet I trust your lordships will pause before you assent to an experiment pregnant with danger to the security of property, and before you repeal a statute which has so long been held necessary for public security, and which I am not conscious has produced the smallest injury to the merciful administration of justice. If, my lords, we properly estimate what is likely to be the result of this speculative mode of legislating upon humanity, we have an opportunity of considering the progress of crimes in their increase or decrease; and when I, along with those with whom I have the honour to act on the bench, peruse the list of persons convicted of capital crimes, usually transmitted to the judges, such has been the increase for the last year, of the offences alluded to by the present Bill, that I am convinced, with the rest of the judges, public expediency requires there should be no remission of the terror denounced against this description of offenders. This Bill, purporting to mitigate the severity of the law, takes away the power of inflicting capital punishment provided by a statute of king William, for the purpose of preventing the offence of privately stealing in a shop. Now, my Lords, the great mass of property in this metropolis and other large towns, liable to this peculiar species of depredation, and the unavoidable hazard to which retail dealers are exposed, arising from the facility with which the theft is committed, amidst the bustle and confusion of a number of customers, form very serious grounds of objection against the repeal of a statute, which, perhaps more than many noble lords seem to be aware of, prevents the loss and ultimate bankruptcy of many an industrious tradesman. In the present times too, it is the duty of parliament to pay attention to the commercial interests of so large a class as retail shopkeepers, who are so useful in society, and contribute so great an amount to the revenue of the state. Such will be the consequence of the repeal of this statute, that, I am certain, depredations to an unlimited extent would be immediately committed; those people who lend themselves to such felonious industry would instantly multiply, and the poor industrious tradesman, particularly if he dealt in certain articles, would, with all his precaution, sustain such weighty losses from time to time, that would eventually cause his bankruptcy and final ruin. This Bill, I presume, is only one part of a regular system against the present administration of the criminal law. An act was introduced in the last session of parliament, which, in unison with the principle of this system, remitted the punishment of death upon the offence of privately stealing from the person; and what has been the result? From my own knowledge, and the general information of the judges, I am certain, that the increase of that class of offenders has become, in this short period, enormous: it is the exact species of offence to which they now apply their dexterity; and, knowing they are no longer exposed to the danger of incurring the penalty of death, we have information of their depredations in our public streets, and in the open day. Much has been said about humanity, and the general severity of our criminal code; but, whatever may be the penalties and terrors held out against the commission of crimes, I believe no one can charge the administration of justice with a want of clemency; nor can any one shew the slightest ground for such insinuations. It is, my lords, a mistaken notion that these severe penalties denounced by the law are pregnant with cruel severity: on the contrary, they are productive of a less quantity of human suffering; for if the terror prevent the commission, it promotes the humane object of all good laws, the prevention of crimes. It has also been said this individual offence is such, and the property of such a value, that it does not require so severe and so sanguinary a punishment; but your lordships will recollect that the same observation will apply to the penalties attached to other offences no more heinous in their nature, but the tendency of them such, that every man would acknowledge the expediency of denouncing the terror of death for the purpose of preventing their frequent commission. Such are the statutes against the stealing of horses and sheep, which, often exposed to range on wide pastures or uninclosed commons, are peculiarly liable to be stolen, and the means of detecting such offences attended with particular difficulty. The property, in these instances, and in that of forgery, where the amount of 20*s.* would be capital, cannot, upon the ground of commutation, be placed in the same scales with the life of man. Scarcely any crime, my lords, against property can be weighed in the same scales with man's life. But, in all these cases, the end of the law is the prevention of crime; and I am persuaded, no penalty less than the terror of death would amount to any thing like prevention of that offence now under our consideration. After all which has been stated in favour of this speculative humanity, it must be admitted, that the law, as it stands, is but seldom carried into execution, and yet it ceases not to hold out that terror which alone will be sufficient to prevent the frequent commission of the offence. There are criminals, my Lords, so hardened, that no milder punishment would intimidate, but under this law they have been oftentimes brought to a serious consideration of their wickedness. Upon their minds scarcely any thing would have produced a serious consideration except the terror of death; and those who have witnessed such scenes in a court of justice, must have beheld its effect upon these hardened characters, alarmed at the terror impending over their very existence. Upon these grounds, my Lords, I do not perceive that, by repealing this part of the statute of William, we are promoting the cause of humanity; because, looking to the quantity of human suffering, it will, I am certain, be considerably less under the present law on account of its greater competency to prevent the frequency of this offence. On this subject it has been urged as an argument in favour of this system of innovation upon the criminal law, by persons speculating in modern legislation, that a certainty of punishment is preferable to severity, that it should invariably be proportioned to the magnitude of the crime; thereby forming a known scale of punishments commensurate with the degree of offence. Whatever may be my opinion of the theory of this doctrine, I am convinced of its absurdity in practice. How could such a system be effected? By what means could a law be framed so that the punishment, without the discretion of the judge, could be applied in exact conformity to the nature and aggravation of the offence? Every attempt at framing such laws, I will venture to say, will be found impracticable; and I could satisfy the House, if the subject were not almost too serious, that an act of parliament constructed for that end would be completely ludicrous. I will take an example from a fact which fell under my own observation, and it is better to reason from the suggestions of fact than from those of imagination. In the neighbourhood of this metropolis seven or eight individuals conspired to break open the houses of a number of persons. The first house which became the object of their attack was that where one of the offenders had lived in the capacity of a servant, and he first suggested this particular burglary. He knew the most opportune period for making their attempt, and the time when the owner and his family would be most off their guard, and when there was not much likelihood of resistance to their designs. The crime of burglary itself is one to which the law has generally affixed the penalty of death, because it is committed in the night, and under all the horrors of alarm; but there are circumstances always of mitigation or aggravation, which restrict or enforce the execution of the law. In the case alluded to, the crime of one of the offenders was considerably aggravated, because it was not only amounting to the offence of burglary under the usual circumstances, but it was committed in violation of every principle of fidelity, proceeding from that confidence which is generally reposed in those intrusted with offices of domestic employment. Suppose, for a moment, an act of parliament should be so constructed, as to embrace the enormity of this specific aggravation of offence, and the legislature were to define it under such a description as the following, "that if any person or persons, formerly employed in the capacity of servants, should at any time afterwards suggest the breaking open of the dwelling-house of his master, it should be an aggravation of the offence of burglary, and should subject him to a severer punishment than that generally inflicted upon those convicted of that offence." Still other circumstances may even produce a greater aggravation. It happened with respect to the offenders I am adverting to, that violence was committed to the persons of the owner of the house and his wife; they were ill treated and dragged from their beds. Would your lordships then proceed to state, that if any of these offenders should exercise violence by forcing from their beds the owner of the house or others, they should be deemed guilty of such an aggravation as should incur another degree of severity in punishment? But other acts of violence of still a more atrocious nature might take place, which would exceed every specification of an act of parliament. A distinction might arise from the relative situation of the offenders, as was the case in the trial I allude to; one of them was the father and the other the son; the latter had been led by the example of his unprincipled parent, who was guilty, not only on account of his own turpitude, but in being the instrument whereby his son became the perpetrator of crime, and the victim of offended justice. With respect to these individuals, I trust the judge on the occasion used his discretion with propriety; he sacrificed the father as an example to others, and extended mercy to the son. But would it not be impossible to define this as a fit procedure universally, where the father and the son were concerned in this and similar offences? Would your lordships lay it down as a legislative principle, that in all cases, where both these characters were implicated, the felonious father should be sacrificed, but the felonious son saved? All these are circumstances, my Lords, which cannot be defined by law, but must remain for the discretion of those who administer the law. Retaining the terror, and leaving the execution uncertain and dependent upon circumstances which may aggravate or mitigate the enormity of the crime, does not prove the severity of any criminal law: whereas, to remove that salutary dread of punishment would produce injury to the criminal, and break down that barrier which prevents the frequent commission of crime. This, my lords, is not only my own opinion, but it is that of the learned judges, with whom I have been in the habit of consulting upon the punishment of crimes; for they are unanimously agreed the expediency of justice and public security requires there should not be a remission of capital punishment in this part of the criminal law: and I can assure your lordships I have correctly represented their sentiments, in addressing the observations I have made, to the consideration of this House. The noble and learned lord moved, "That the bill be read this day six months."

Lord *Erskine* said he rose, not without reluctance, to express his own opinion, after what had fallen from the noble and learned lord (Ellenborough) who, in addition to the weight of his own sentiment, had stated that he represented those of the other learned judges. Such had been his own professional habits of respect to those who presided in our courts of justice, that he was at all times led to pay the greatest deference to their opinion of the law of the land, and ever to venerate their legal decisions. But, with due deference to such authority, and particularly to the great learning and ability with which his noble and learned friend presided on the bench, still he felt disposed to entertain great esteem for the legal knowledge of the hon. member who was the author of the present Bill, and for the judgment of so many enlightened men, who had given this measure their full consideration in another place. It must be admitted by those who opposed the Bill, that the punishment of death inflicted by the statute of William, was in no instance carried into execution; and, the instance, if any should occur, must be rare, where the severity could be applied. He remembered when he had the honor of being consulted as one of his Majesty's council, that it would have been impossible, he believed, for any conviction for this offence to have come under their consideration which would have reconciled his mind to have advised his Majesty to carry the law into execution. He could not concur with his noble and learned friend, that this proposed alteration deserved the name of speculation; and no imputation of a desire to make innovations upon the law of the land could attach to any individual who gave the measure his support. The question, in his opinion, was, whether it would not be more conducive to public security, and more beneficial to the criminal, that the punishment should be made proportionate to the general description of offences, leaving a due discretion in the judge to mitigate in particular instances. The punishment denounced by the present law, was inapplicable to the general description of the offence, and was not enforced on the most extraordinary occasions.

The Earl of *Liverpool* observed, that, having filled the office of Secretary for the Home Department, his attention was led to the subject of punishment, now under their lordships' consideration. In that situation he had an opportunity of noticing the progress of crimes and punishments, from the usual returns made to that office; and, when he compared the list of modern years with those of a former date he was happy to find, that all crimes of a heinous nature had become less frequent, although those of a minor tendency had considerably increased. He was not disposed to concur with those who complained of the criminal law of this country being too sanguinary. In what part of the globe could a system of law be found so mild, or where its administration was so tempered with mercy? He was confident no country existed where so much justice was extended to offenders, and where so much leniency was mixed with its punishments. With respect to the individual who introduced the present Bill, no one could entertain a higher opinion of the goodness of his motives; but he did not perceive the necessity which had been suggested of altering the criminal law of this country. Whatever might be said of it when applied to its theory, no one could deny but in practice it was the mildest on earth. However sanguinary the Statute Book might appear, the administration was peculiarly beneficent. There was a plausibility in the doctrine of those who maintained, the certainty of punishment would best tend to the prevention of crime; but how would such a system meet the aggravated or mitigated circumstances of the offence? The distinction, therefore, taken by the noble and learned lord (Erskine), that punishments ought to be such as to suit the general description of offence, was plausible in theory, but would be found impracticable, or at least inconvenient and inapplicable to the crime which was capable of so many circumstances of aggravation or mitigation. It would, in his opinion, be better that the extremity of punishment should be enacted, as was the case at present, leaving it uncertain whether it would be executed, or whether, at the discretion of the judge, it might not be remitted for one of comparative leniency. As the law now existed, we possessed all the benefit of this remission, with the advantage of terror that the extremity might, under aggravated circumstances, be carried into execution. For these reasons, he was not inclined to give his support to the Bill on the table.

Lord *Holland*. My Lords, when I first gave notice to this House, that it was my intention to move the second reading of this Bill, I had at that time no reason to entertain any idea that it would meet with the least opposition from your lordships. At the same time that my expectations in this respect have been disappointed, I can assure your lordships, that I was not insensible to the disadvantages under which I had to labour; inexperienced as I am in those professional habits which give so much weight to what comes from the other side of the House. Nor should I have thought it my duty to give that notice, had I not found upon examination of the subject to which the Bill relates, that it was one, materially affecting the administration of criminal justice in this country—and one, the merits and grounds of which rested upon facts, within the experience and knowledge of every individual in this realm. It was, indeed, with great pain and concern that I heard from my noble and learned friend, (Lord Ellenborough) that it was his intention to express his disapprobation of this Bill; but after what I have heard, I feel great pleasure, that my noble and learned friend has been sufficiently candid to state his objections in the first instance, in order to enable me to form a correct judgment of what arguments I should have to combat. Certainly until I had heard what has fallen from him, I felt a degree of diffidence as to the soundness of my own judgment, which has however been completely removed by the manner in which he has treated the subject. But I must say, that it is not without regret I have listened to an insinuation, not indirectly thrown out, but broadly expressed, injurious to the motives of those who are the supporters of this measure. I think I am not mistaken, in believing that my noble and learned friend did impute to the friends of this Bill, opinions and intentions unworthy of the spirit in which it has been supported. My Lords, your lordships are mistaken, if you suppose that this Bill stands upon any other grounds than its own merits. This is a Bill, not for the purpose of trenching upon the established law of the land, in cases of crimes, which are by rational society denounced to be injurious to its existence—it has not the intention of altering the law of the land in cases of manslaughters, murders, or any other crimes, either more or less aggravated—the purpose of this Bill is, simply, to repeal an act of parliament made in the reign of William III. the intention of which was, no doubt, to deter persons from the committal of offences, comparatively very slight, namely, that of privately stealing in shops; but the effects of which act, in the result, have been, as I think I shall be able to prove to your lordships, and my noble and learned friend will forgive me for thinking, that the effect has been to increase that very offence which it intended to prevent. It is upon this point, and this only, that we are at issue. Certainly I should not think that the imputation of too much humanity—and a too great disposition to mitigate the severity of the criminal law of the land, were qualities which your lordships would have any reason to lament, as attributable to the character of the House. But, my Lords, that is not the only principle upon which this Bill is introduced. My Lords, we have, upon the admission of the noble lord, whose knowledge and information upon the subject cannot be questioned, that, whatever may have been the intention of this act of William III. it has not had the effect of preventing the increase of such crimes. We have, moreover, from the noble and learned lord, that as far as his knowledge and experience has carried him, that the law, with respect to this particular crime, has been so severe, that seldom is a case to be found, where the punishment has been inflicted. The noble Secretary of State says, that heinous offences have of late years decreased, but that slight offences, like those described in this Bill, have been found to increase; and he tells us this has been the result—of what? What has been the reason of these offences so increasing? Because, says he, in heinous offences, the capital punishment is inflicted. My Lords, nothing is more fallacious than this argument. This of itself is one of the strong reasons which point out the necessity of an alteration in this law. Every man knows that this law has failed of its effect, in consequence of the paucity of cases where the punishment has been inflicted—the punishment of death is not visited upon the offender in a thousand cases where the offence has been committed. My noble and learned friend said, that he should be happy indeed, if the mere threat and terror of death would be sufficient to deter men from the commission of crimes: but my noble and learned friend was not able to say, that the terror of death had actually deterred any one from the commission of offence. But, on the other hand, I cannot help thinking, that my noble and learned friend looked for another and a very considerable effect from that terror, which is the terror of actually inflicting death, and having the instrument of death actually applied. But, my Lords, I shall ever, and always but humbly maintain, that where the punishment is disproportionable to the crime committed, this terror has not, nor ever can have, its effect. High as my respect is for the authorities that have been quoted upon this subject—and great as the wisdom of Dr. Paley is in my estimation, I cannot subscribe my name to a doctrine which unquestionably militates against the opinion of almost all other writers, both of this and all other countries. Every man must surely admit, that the opinions of Dr. Johnson, and many other writers, both foreign and English, are entitled to an equal respect—that they are no contemptible authorities, and that the doctrines they have published are undeserving of consideration. My Lords, I will not undertake the tedious task of quoting severally the names and sentiments of the great men to whom I allude. It will be sufficient for my purpose, to state that they all concur in maintaining this principle as an axiom, "That the punishment of death does not always prove a means of deterring persons from the commission of offences, especially when the execution of that punishment is uncertain." My Lords, if there be a maxim which can stand the test of experience with greater security and confidence, than any other in the history of human wisdom, it is this, "That it is the certainty, and not the severity of the punishment, that deters men from the commission of crimes." Depend upon it, my Lords, such is the frame of the human mind—such are its inexhaustible resources—such are its hopes and its expectations, that as long as there is even the shadow of uncertainty in his fate, he rests in a kind of confident security that the worst can never happen. On the other hand, we know that when the unfortunate criminal is given to understand that his doom is fixed, that there is no hope of pardon, or of mitigation, it then produces the effect of deterring the repetition of the crime. But, my Lords, I do not contend that this is a conclusion to be drawn in all respects. What I maintain is, that the fear of death, when it is uncertain, is a fear which a man very easily gets over. The noble and learned lord, it is true, has said, that he has seen the effect of that decision and sentence when pronounced upon a felon, and has described very impressively its influence on the court. I make no doubt it is very great, but that is not the view in which this argument ought to be submitted. It is not the manner in which the sentence is pronounced which deters the crime—it is not the effect it has upon the criminal; but it is to the effect it has upon the bystanders we must direct our attention. With respect to the criminal, in him there is a hope, there is almost an expectation, that he shall not suffer the severest extremities of the law: and such, my Lords, are the dispensations of Providence, that, in situations of the greatest danger and suffering, man is armed with feelings suitable to the miseries he has to encounter. There is a certain degree of spirit deeply rooted in his mind, which spurs him on even to a contempt of death. No situation of danger or difficulty is sufficient to deter him from his purpose, whether good or bad. But, my Lords, it is not merely upon this ground that I wish for an alteration in this law; but I maintain, that the same punishment which, in the shape of remission, is now applied to these crimes when they are clearly proved, has not the effect of a milder punishment, when inflicted with certainty. It is the last punishment to which a criminal looks, and in proportion as that is certain or uncertain, so in proportion is he affected. If, for instance, a man is transported for seven years for the commission of one of these offences, instead of suffering the punishment which the law prescribes, he looks upon it as a sort of good luck, and the punishment loses its effect; namely, of intimidating others from committing a similar offence. On the contrary, when transportation is denounced as the last punishment, it would be considered as a great evil. But the great and important sentiment I wish to impress upon your lordships is, the impolicy of such a law as this, and the inefficacy of it in preventing crime. The works of the first philosophers in the world abound with the most convincing arguments to shew how inadequate that law is, which prescribes a punishment disproportioned to the offence. Amongst these, it is only necessary to mention the names of Dr. Johnson, and Mr. Justice Blackstone, to engage your lordships' serious attention to this important subject. Without searching into the works of foreign writers whose arguments are no less convincing and enlightened, I shall just read you the words of Mr. Justice Blackstone, in deprecating the impolicy of inflicting enormous punishments for crimes of a dye comparatively venial. "The injured," says he, "through compassion, will often forbear to prosecute; juries, through compassion, will sometimes forget their oaths, and either acquit the guilty, or mitigate the nature of the offence; and judges, through compassion, will respite one half of the convicts, and recommend them to royal mercy. Among so many chances of escaping, the needy and hardened offender overlooks the multitude that suffer; he boldly engages in some desperate attempt, to relieve his wants or supply his vices; and if unexpectedly the hand of justice overtakes him, he deems himself peculiarly unfortunate, in falling at last a sacrifice to those laws, which long impunity has taught him to contemn." These are the eloquent words of judge Blackstone; the wisdom and truth of which have come home to the judgment of so many eminent writers, that they are frequently quoted as decisive upon the subject. But, my Lords, I shall give your lordships the authority of a writer whose works are full of excellent sense, upon the actual state of facts; and whose arguments are no less convincing to my mind than those of Mr. Justice Blackstone. I mean that very active magistrate and intelligent writer, Mr. Colquhoun. My Lords, that gentleman, whose extensive experience of the operation of the criminal law of this country enables him to form a more just conclusion than many other writers upon the subject, ascribes the frequency of crime to this very severity of punishment. He attributes the multiplicity of crimes of this nature to the disproportion of the punishment to the offence. He says,

"The severity of the punishment, which at present attaches to crimes regarded by mankind as of an inferior nature, and which affect property in a trivial manner, is also deserving the most serious attention. It is only necessary to be acquainted with the modern history of the criminal prosecutions, trials, acquittals, and pardons in this country, in order to be completely convinced, that the progressive increase of delinquents, and the evils experienced by society from the multitude of petty crimes, result in a great measure from this single circumstance.—It will scarcely be credited by those, whose habits of life do not permit them to enter into discussions of this sort, that by the laws of England, there are above one hundred and sixty different offences, which subject the parties who are found guilty, to death, without benefit of clergy. This multiplicity of capital punishments must, in the nature of things, defeat those ends, the attainment of which ought to be the object of all law, namely, the prevention of crimes."

But the noble and learned lord and Mr. Colquhoun are at variance upon this point. Certainly, my Lords, the opinion of such a magistrate is not to be looked upon with contempt; still less are the sentiments of the enlightened judge I have quoted to be considered of no importance. Mr. Colquhoun says, the effect of applying a disproportionate punishment to a comparatively petty offence, is only to increase the frequency of the crime. Now the question is, is this one of those comparatively petty offences, or is it not? My Lords, upon this subject I can only appeal to the noble and learned lord himself, who can inform you of the number of persons who are almost annually convicted of this crime, and who are actually pardoned by the extension of his Majesty's mercy. Now, my Lords, in the first place, I must state distinctly, that one of the chief grounds upon which I seek the repeal of a law which is disproportioned to the crime, is the effect it has upon the feelings of mankind, in deterring them from prosecution. Who is there among your lordships who has reflected upon these subjects, that does not know many individuals that have been deterred from prosecuting upon crimes of this nature? It may perhaps be said, and literally speaking it may be true, that it is a duty we owe to the state; but there are many persons of ordinary sensibility, who shudder at the thought of prosecuting an unfortunate wretch to death for stealing perhaps only twelve shillings worth of property out of his shop. It is he, my Lords, who dares not go into a court of justice; it is he whose feelings and mind are racked with the horrors of a punishment, which he supposes the miserable wretch at the bar must endure; he feels, that it is from his lips his doom must come—he shrinks back with dismay, and retires from his public duty, preferring the quiet of his conscience to the security of his property. What then, my Lords, are the baneful consequences to society of this susceptibility? The ends of the law are defeated. No man can bear to take away the life of a fellow-creature for an injury which he may repair by future industry. Then, my Lords, is not the defect of the law as manifest, as the difficulty of its remedy is trifling? I put it, therefore, to your lordships, will you, with the practical ill-consequences of this law before your eyes, with the experience you have had of its effects upon society—will you still persevere in a course of conduct, which sets at nought the wisdom and experience of centuries. If your lordships do this, in vain does the world become enlightened; in vain does science rear its head upon the ruins of ignorance and barbarism; to little purpose we expand the human mind, and open wide the field of philosophy and truth; our lives must for ever remain a tissue of incongruity; our actions for ever at variance with our good sense. But it is said, this will be a material alteration. True, my lords, it will. It undoubtedly affects the criminal justice of this country. But there is this material view of the alteration to be taken into your lordships' consideration. This Bill goes to repeal a statute law, and not the common law of the land; upon which observation I beg leave to lay great stress. Because, my Lords, in the one case, it is no uncommon thing to make frequent alterations, whilst in the other no alteration can ever occur. The common law, the unwritten law of the land, is that, to the wisdom of which all men give their common assent. Whereas the statute law, which is enacted as the necessities of the times may require, is continually varying. Scarcely does a period of five or six years revolve over our heads, that some alteration or amendment does not take place in the statute law of the land. Now, my Lords, if considerations of experience and necessity are to operate with legislators in cases of ordinary statute laws, which affect merely the common intercourse between man and man, surely a statute which affects the life and best interests of mankind, is entitled to paramount consideration. My Lords, your lordships must bear in recollection, that this is a statute, enacted in the reign of King William 3—made to suit the circumstances and necessities of the times—a law, perhaps, of temporary expediency, and not the measure of sound legislative wisdom. How often, my Lords, do the passing events of the day call for the severest legislative enactments, which, at another period, when the occasions of their adoption have ceased, would bear the character of times when the bonds of social order were burst asunder by the violence of anarchy and tumult. My Lords, in the unenlightened time to which I allude, legislators observed no degree of relative proportion between the crime and the punishment. Almost every species of offence was punishable by death. But, my Lords, if we wanted any additional proof of the barbarism of those times, I can only refer you to that statute which enacted, that no person but those who could not read should be liable to a capital punishment: the absurdity and injustice of which was not practically recognised until the fifth of Anne, when it was most properly repealed. It was not until a century after the reign of that monarch that many statutes, which denounced the penalty of death without benefit of clergy, upon the most common and ordinary offences, were repealed; and yet, my Lords, in these enlightened times (sorry am I to say) there seems to be hardly any visible decrease in that catalogue of crimes to which the law has attached the punishment of death. "It is a melancholy truth," says Mr. Justice Blackstone, "that among the variety of actions of which men are daily liable to commit, no less than one hundred and sixty have been declared by act of parliament, to be felonies without benefit of clergy; or in other words, to be worthy of instant death." My Lords, if the list of those added since Mr. Justice Blackstone's computation, were taken into account, I almost fear it would amount to nearly double that number. Why, my Lords, you have upon your table, relating merely to the revenues of the country, I may not be rightly informed as to the precise number, but I state the number, for the sake of argument) a list of no less than 75 crimes which are punishable with death. And this, my Lords, brings me to a part of the subject, which in no small degree makes good the positions I have been endeavouring to impress upon your lordships. I am aware, my Lords, that we may be told, that the law, as it is at present administered by those learned luminaries who preside in the courts of justice, can never be abused. My Lords, I humbly submit, that the character and conduct of these independent and honourable men, make no part of the present discussion. No man can have a higher respect than I have, for those talents, for the wisdom, the integrity, and the honour, which is to be found on the bench of justice. The panegyric of so humble an individual as myself, can in no degree tend to heighten the character of men, whose upright conduct—whose faithful discharge of their irksome duty, entitles them to the gratitude of a liberal country. But, my Lords, I humbly contend, that the conduct of the judges of the land, however honourable, wise, and just, they may be, ought in no degree to weigh with your lordships in the consideration of a question, which concerns not only the present generation, but posterity for ages to come. We may also be told, that the severity of this law is completely mitigated or counterbalanced by that spirit of mercy with which the royal breast is filled—that the difficulty of detection is another argument in favour of it—and, moreover, that the greater difficulty of conviction is a decisive reason why we should stop every attempt at improvement. We are further told, that the paucity of cases which have been brought to trial for offences of this nature, clearly shew, that the terror of death has its effect in preventing the crime. Nothing, my Lords, is more fallacious than this argument. It is very possible, I grant, for those who administer justice under this law, to render an account of the number of persons who have been tried, and have been convicted, and have suffered under it; but, with great deference, I am of the same opinion with Mr. Colquhoun; you may ascertain the extent of a particular crime by the numbers punished; but in vain can you undertake to ascertain to what extent the crime really exists; for in how many hundred instances is the crime committed, where no proceedings against the offender are instituted! But it is not so in crimes committed against the revenue. The difficulty there is not so great as in the former case. You happen now, my Lords, to have a pretty accurate return of crimes of this nature on your table. There is a list not only of the number of persons prosecuted, but of the number of persons convicted under these laws. You will find, my Lords, that there are about 61 crimes committed which are punishable with death; but, extraordinary to relate, there are only 26 out of the 61 against whom prosecutions have been instituted. Is this not, my Lords, a melancholy proof of the inutility of laws, which can never be put in execution, by reason of the disproportion of the punishment to the crime. But, my Lords, your surprise will be heightened, in no trifling degree, by finding that out of the 26 persons prosecuted under these laws, only nine suffered punishment. My Lords, no man can deplore, more than I do, so unwise a system of criminal legislation. I acknowledge that no man can state the principle upon which laws of this nature ought to be adopted, more justly and more forcibly than my noble and learned friend. But the statement of his case does not bear out his principle. If the state in which the case stood, with the argument upon which those principles are contended, were consistent with each other, I could not question their wisdom and good sense. I confess that I do concur with my noble and learned friend, in the principle he has laid down, and the effects of that principle; but I cannot agree with him in the facts from which those principles are drawn. Experience has shewn, that a defect in the law does exist, and it therefore must be necessary to make some alteration. My Lords, I have thus stated, as simply as I could, the grounds upon which this Bill is brought into parliament, and I only hope that your lordships will not attribute to those who support its adoption, any wish to alter the general principle of the laws of the land; still less that they have any disposition to be dissatisfied with the merciful administration of justice in this country. My Lords, nothing is farther from their intention. They feel, and justly appreciate, the integrity, the honour, the independence, of those enlightened men who preside on the judgment-seat. I have, my Lords, submitted some of the grounds upon which I consider this particular law not only inadequate to its end, but injurious to the interests of society.

The Earl of *Suffolk*. My Lords, I shall certainly take up very little of your lordships' attention upon a subject which has been already argued so forcibly by my noble friend, in every one of whose sentiments I perfectly concur. Certainly one circumstance has struck me very forcibly (as it has my noble friend) in considering this question: I mean the extraordinary severity of the law enacted in the time of William 3. I could have wished to hear some reason assigned for inflicting so heavy a measure of punishment for an offence, by many degrees more venial than a numerous catalogue of other crimes which are not visited with such a severe punishment. Having heard no sufficient reason given for it, I must infer, that none can be given. My Lords, it is no less a lamentable than a true observation, that the laws of this country are written in blood; and sorry am I to say, that the history of the country furnishes too many instances of remorseless cruelty, and exemplary severity, not to concur in the general justice of that character. It is, however, some consolation to the reflecting mind, that the reigns of some of our monarchs have been less tinctured with the barbarism of the times than others. Can any man contemplate the sanguinary history of Henry 8's reign without horror and dismay. If I am rightly informed, and the sources of my knowledge are correct, it has been ascertained that no less than 2,000 human victims have been sacrificed by the hand of the executioner in one year. To the general principles upon which the present Bill is brought forward, I most cordially assent, but I am more thoroughly induced to give it my support, upon the particular argument urged by my noble friend, namely, that the excess of the punishment deters the injured from prosecuting the guilty. My Lords, I cannot doubt the truth of this argument, for I am myself an humble instance of its force. It happened to me, my Lords, about four or five years since, to leave my house in town for the purpose of going into the country. An old and faithful servant was left in care of it till my return. In about four or five days I came to town again, and found, to my surprise, that my servant had fled during my absence, carrying off with her a considerable quantity of plate and other property. Now, my Lords, there were many causes which operated with me to abstain from prosecuting this unfortunate woman. She was aged, and the course of nature had already marked her by many infirmities for a speedy but natural dissolution—she had been the dupe of a designing villain, who instigated her to the theft—she was friendless, and she was poor. My Lords, public duty pointed out the course I ought to take. I knew I ought immediately to go before a magistrate, who would have committed her for trial—I must have appeared in a court of justice, as the prosecutor against her, and have embittered my own life by the consciousness of having shortened hers. My lords, humanity triumphed over justice and public duty. I was constrained to turn loose upon the public an individual certainly deserving of punishment, because the law of the land gave me no opportunity of visiting her with a castigation short of death. My Lords, upon this ground alone, and for the sake of public justice, this law ought, in my opinion, to be amended. For the sake of the injured and not of the guilty, I am an enemy to inordinate severity. The prosecutors are those who fear death, and not the persons offending. I shall not trouble your lordships any longer upon this subject. I shall cordially and conscientiously support the Bill.

The Earl of *Lauderdale*. My Lords, there are one or two observations I feel it my duty, under the particular circumstances of this Bill, to state to your lordships. My Lords, I do feel, that as the commencement of a general system of legislation, the introduction of this Bill might be very objectionable. But, my Lords, when we consider this merely as a specific alteration in a particular act of the legislature, and that it stands under very peculiar circumstances, I am sure your lordships will be disposed to disarm your minds of the prejudice to which in every other point of view it would be justly liable. The law which this Bill is intended to repeal or amend, is one which is seldom or never executed, and I will undertake to prove to you, that in its present shape, it never was intended by the legislature to be executed. We are told that it is an extremely pernicious principle to introduce speculative alterations into the established law of the land, and it has been alledged that this very Bill is subject to this imputation. My Lords, so far from its being a speculative alteration, it is intended to render a speculative law practical. No man can deprecate more than I do, a system of speculative legislation; but what will your lordships say of a law which, in the course of seven years, has been only once put into execution? The fundamental object of this Bill is, in fact, to restore to the code of our country, a law which may be beneficial to society, and safe and wise in the administration of justice. It therefore cannot be said of my noble friend, that speculation is the sole motive which impels him to make improvement. Let us see, my Lords, the nature of the defect which this Bill is intended to remedy. By the law, as it exists at present, stealing privately in a dwelling house to the value of 40s. and to the extent of *5s.* in a shop is punishable with death. It will be for your lordships to consider what was the meaning of the legislature at the time that law passed, for in that rests a considerable portion of the argument in favour of the present bill. A man who stole only *4s.* in a shop and *39s.* in a dwelling house, escaped the dreadful penalty prescribed by the statute. Now, my Lords, in the present day are we not to consider the relative value of money in the reign of William 3, to that in the reign of George 3, because a great deal ought now to depend upon the application of the law to the value of the property stolen. My Lords, a crown at that time was, according to the present value of things, worth ten shillings, so that in point of fact, the law with respect to stealing privately in a shop makes it death for a man to steal to the value of two and sixpence, that being the real value of the then crown at this moment, It may be fairly said, therefore, that this law is one that is not only not executed, but that it never was intended to be executed to the full meaning of its terms. Now, my Lords, the noble and learned lord, from whom I always feel the greatest reluctance to dissent, for there is no man for whom I have a greater respect, and with whom on a point of this nature, looking up to him as a man and a judge, I might incur the charge of presumption to differ; yet, with great deference, I cannot agree with the principle he has laid down. The noble and learned lord seems to think the excellence of a penal law, is to visit every species of crime with the heaviest possible punishment, leaving the mitigation or reduction of it to the judge who shall preside on the seat of justice. Now, my Lords, I humbly contend, that this principle, if it were just or legal, could never be carried into effect. The noble and learned Lord would find great difficulty in framing a law which should destroy that compact which ever and always must exist between the judge, the witness, and the jury. It is impossible to frame a law which shall have the effect of giving the power of punishment only to the judges. That must entirely depend upon the witness, the jury, and the judge collectively. How, my Lords, can you compel an unwilling witness to state to the court and jury every matter he knows which may have the effect of injuring an offender whom he may pity under his misfortunes. In him, therefore, my Lords, there virtually rests a power of mitigating the severity of the punishment. How, my Lords, can you prevent the jury through compassion, from forgetting their oaths, and either acquit the guilty altogether, or mitigate the nature of the offence, in order to secure them from the severity of punishment; and lastly, my Lords, with respect to the judges themselves, how can you prevent a judge, through a mistaken notion of compassion, from respiting the offender, or recommending him to the royal mercy? My Lords, I contend it is absolutely impossible to give the power of administering the punishment to the judge alone. But, my Lords, I wish to know which is the greatest evil of the two: the noble and learned lord says, that the object of punishment is the example it will have upon society; that is universally admitted; but if, by this species of law, you hold out an inducement to the prosecuting witness and the jury to perjure themselves and divert the course of justice, from a mistaken humanity, in vain do you look for the example. Whereas, my Lords, by prescribing a certain but mild punishment, you rescue the jury and the witness from the temptation; the offender is punished; an example is set to the rest of mankind, which has more effect, nine times in ten, than can possibly arise from a law of this sort. My Lords, I mainly contend, that the consequence of keeping up a criminal law which cannot be executed, is to corrupt the witnesses and prevent the jury from convicting, let the presumption of an offender's guilt be ever so strong. But, my Lords, the noble and learned lord has upon this subject given you not only his own enlightened opinion, but he has come down to the House, strengthened by the collective opinion of a body of men for whom your lordships must feel the greatest respect, and for whom the country entertain a veneration and esteem in no degree inferior to the consideration of this House. With all the deference, however, I owe to the noble lord's judgment, and with all the weight which the opinion of the other venerable judges of the land carries with it, and which I am compelled to believe has been stated correctly by the noble lord, I cannot but conceive that there may possibly be some mistake, and even if there be not any mistake, I cannot in my conscience, and consistently with the execution of my duty in this House, make any concession of my own opinion. Your lordships know, that when the various statutes relating to the revenue lands were concentrated into one, all the acts which inflicted the penalty of death were laid upon your lordships' table, and were subsequently referred to a committee appointed by your lordships, to whom instructions were given to report what laws were necessary, and with what we might safely dispense. On that occasion we were honoured with the presence of some of the judges, who sat with us during the deliberations of the committee. Your lordships will also recollect that we received the several reports from the Excise-office, from the Stamp-office, from the Tax-office, from the Post-office, and from several other offices, which were all patiently considered. I now speak in the presence of the noble lord opposite, (lord Hawkesbury,) who will bear testimony to what passed in the committee; he will recollect that, after several days patient deliberation, the committee came to an opinion, that the punishment of death in some cases was indispensable; that in many others it defeated the ends of justice by its excessive severity; that it had the effect of throwing so many obstacles in the way of conviction, that the offender was seldom or never punished; and that the public would be most materially benefited by some legislative enactment for mitigating the excess of this punishment. If the evidence adduced before that committee were now before your lordships, I am sensible of the effect which it would produce. My Lords, looking up as I do, with great respect to the opinions of the learned judges, I cannot forget the important evidence which was given before that committee by the solicitor of the excise; the weight of his testimony can never be counteracted in my mind, and I know it was felt by us all. I speak in the recollection of the noble lord opposite: but I am sure that one of the learned judges, most experienced in questions relating to the revenue laws, emphatically stated, that he must confirm the evidence given by the solicitor of the excise, as to the insuperable difficulty of obtaining any conviction of this class of offenders, in consequence of the excessive severity of the law. My Lords, the whole reasoning in favour of the mitigation of punishment for offences against the excise laws, must apply, with tenfold force, for the mitigation of the punishment of death for stealing in a shop to the amount of only five shillings. My Lords, are proposals to alter such a law to be treated as the visions of speculation and theory? so long as this statute remains upon the statute book; until some better system of criminal jurisprudence is adopted, in vain must we look for the diminution of a crime which is as injurious to the best interests of society, as the means resorted to for its prevention are unwise and impolitic. (Hear, hear!)

The *Lord Chancellor.* It is not my intention to trespass long upon your lordships' time, although the subject is of the greatest importance. My Lords, I should not think that I executed my duty as I ought to do if I gave my vote upon this occasion merely from the respect I owe to the judgment of one man or of any set of men. The opinion I entertain of the benefit or disadvantage that may be likely to result from this Bill, is, I do assure your lordships, biassed by no other consideration than the effect its own merits have upon my mind. But I have great pleasure in saying, that if my opinion could be warped or influenced by the circumstance of personal consideration, the learned and hon. gent. who introduced this Bill in the other house of parliament is the individual of all others who would have the greatest weight with me as a professional man. On the other hand, I must take the liberty to say, that although the opinions of the twelve judges of England would not decide me against my own judgment, I cannot venture to entertain the idea that it becomes me to treat with disrespect the knowledge and wisdom of men so deeply conversant with the laws of the land; and I must confess, that if my opinion did not go with theirs, it would have been considerably shaken by what has been expressed in the course of this debate by the noble and learned lord (Ellenborough). But, my Lords, it is not without great diffidence I hazard an opinion upon a matter of criminal legislation; for I should not forget, that although the best part of my life has been spent in the profession, the most considerable part of my practice has been in courts of equity, and consequently I am not competent to form so satisfactory an opinion upon subjects of this sort, as those who have dedicated the whole of their professional life to the practice of the courts of common law, and of criminal jurisprudence. I should have, therefore, if this consideration were to be attended to, great pleasure, on the one hand, in availing myself of the opinion of the truly respectable individual who is the author of this Bill; and, on the other hand, to attend to the wise opinions of the twelve judges of the country, habituated as they have been in the practice of the criminal law, knowing their sentiments upon the subject of this Bill, and understanding that not one of them has a shadow of doubt as to its tendency. My Lords, experience in one instance of the effect of an alteration in the statute law, ought in no small degree to influence your lordships in deciding upon another. My Lords, I have felt a great deal of pain upon the subject of what has been stated to me to be the effect of repealing in the last session of parliament that part of the law which extended the punishment of death to offenders privately stealing from the person. On the passing of that Bill I entertained an opinion which has remained unalterable ever since, and, what I then predicted, I am sorry to find has since come to pass. I am told by those whose authority I cannot disbelieve, that the effect of repealing that law has been to increase the number of offenders to a degree infinitely greater than was ever known before. My Lords, this ought to induce us to pause before we enact another alteration of the law with respect to a crime of equal danger to the interests of society. My Lords, in my view of this subject I am unwilling to attribute to the friends of this measure any intention to introduce speculative alterations into the law of the land. There can be no doubt that there is no topic with reference to which we feel a stronger duty than in altering penal laws, where a manifest necessity exists. But I doubt whether this Bill is calculated to produce that benefit to the country which its friends and supporters seem so sanguinely disposed to predict; and I doubt more of the existence of the necessity upon which it professes to be founded. My Lords, the noble and learned lord has stated to you, that when he had the painful duty of giving his opinion upon the question of a capital punishment, it never once happened to him to give his advice for its infliction in any case save where the crime was of such a nature as to exclude all considerations of mercy. For myself, my Lords, where that painful duty was imposed upon me, I never did think myself warranted in withholding that part of the punishment, excepting in cases of great doubt, or where the shade of crime was comparatively very light. My Lords, in discussing this subject with myself, and after maturely weighing all its bearings, I feel great doubt whether I can accede to the principle to which my noble and learned friend has adverted, that it would be better to make a law which should apply punishment with certainty to cases described, at the expense of leaving out all considerations of the particular crime; or whether it is not more advisable to leave the law upon its present system, and on its present principle, by intrusting to the discretion of the judge to discriminate the different shades of offence. Now, my Lords, the necessity for this discretion very often exists, and I think it would be unwise to divest a judge of a power which may be so often exercised with prudence and humanity. Within my own experience cases have occurred where, if this power was not vested in the judge, the greatest violence might have been done to the cause of justice and humanity. I will take the case of sheep-stealing. My Lords, in the court in which I once had the honour of presiding as judge, I remember a whole family of persons were indicted for stealing a single sheep. It was a case of peculiar hardship. These poor people were driven to the commission of a capital crime by the pressing calls of hunger and famine—exhausted nature, no longer able to bear the restraint of human laws, threw aside every consideration of honesty, and these unhappy wretches committed an offence which subjected them to a capital punishment. Now, my Lords, no man living could say that this was a case where the judge should have no discretion. There is no man living who could go through such a trial, without feeling that he should commit a greater crime than the unhappy wretches themselves, if he permitted the law to take its course. (Hear! hear!) My Lords, I think this is as strong an illustration of the necessity of that discretion as could be well put to your lordships. There are hundreds of other cases where the principle is equally applicable. But, my Lords, I shall mention another case where the principle is applicable in the other way. I mean in the case of horse-stealing. I remember this remarkable case to have happened during the short time I had the honour of holding that situation. A man was indicted for stealing a horse of the small value of seven shillings and sixpence, and which he had sold for that sum to a horse-butcher. The jury found him guilty, and you will be surprised perhaps to learn, that for so trifling an offence I suffered the law to take its course. The punishment of death for this offence only, might appear extremely harsh; but, my Lords, in this instance I was guided by the nature of the evidence in the course of the trial, the detail of which I have now fresh upon my memory. It appeared, I think, that on the prisoner were found skeleton keys of all the turnpike-gates within twenty miles of London, which he had manifestly procured for the purpose of carrying on the regular business of a horse-stealer. My Lords, these are the difficulties that would constantly arise in the administration of a law which prescribed the particular species of punishment for a particular offence. While, in the one case, you would be acting with the greatest possible severity, you would in the other act with the greatest injustice. Much, my Lords, must depend upon the nature of the case, the manner of proof, and all the circumstances which appear on the trial. Now, my Lords, it is said, that it is the certainty, and not the severity of punishment that prevents crime. It may be so, but no man will say, upon the question of terror, that the threat of so severe a punishment has not a great effect, not only upon the offender himself, but upon the rest of mankind. There is no felon, I think, on whom the sentence of death is pronounced, that does not firmly believe at the time, that the punishment must sooner or later be inflicted. Therefore, I am rather of opinion that it is not from the circumstances of the severity of the law being put into execution to the fullest extent, so much as the imaginary terrors of it on the mind, that produces the abhorrence of crime. I am very well aware that there are circumstances belonging to the crime, which disarm the law of its heaviest penalty. The intervention of the royal mercy generally rescues the unhappy wretch from the severity of death; and this, no doubt, removes much of the terror which would be otherwise excited by the moral certainty of the punishment. But, my Lords, it is upon these grounds that it occurs to my mind that a general regulation like the law as it at present exists, is preferable to a measure of particular legislation. In the one case, a wholesome discretion is given to the judge—there is a greater prospect of a just measure of punishment being inflicted on the offender, as adapted to the merits of his particular offence, while, on the other hand, you would prescribe a punishment, which has comparatively no terrors, to the deepest shades of this crime. But, my Lords, when we talk of the severity and the certainty of punishment, the objections to the law, as it at present exists, are removed by its actual operation. The objection to its severity can only be founded on the frequency of its execution, which is acknowledged to be extremely rare. While the very punishment which the Bill, now before your lordships, proposes to substitute instead of a capital one is almost invariably inflicted, I will venture to say that there is not one man in a hundred who escapes the severest punishment of this law, that is not almost to a moral certainty transported. The objection, therefore, on this head, loses considerably of its force. My Lords, as the law at present exists, you have in effect what is sought by this Bill. If the principle is not the same in each, the practice is similar. It is needless, my Lords, for us to differ about theories, if our practice is in unison. My Lords, we are told that it is to the severity of the law we must attribute the paucity of prosecutions and convictions—that the susceptible feelings of the injured deter them from punishing the guilty—that the prosecutor, forsooth, keeps out of the court of justice from pity and mercy to the man who has plundered him of his property. My Lords, I am disposed to think that no such feeling operates with the generality of mankind. I fear, my Lords, that anger and a desire to prosecute more often possess the prosecutor's breast, than the amiable qualities of charity and philanthropy. It is not to these benevolent weaknesses we must assign the unwillingness of prosecutors to punish. I believe the true cause of that tardiness to prosecute, proceeds from a principle of parsimony. Sore already with the loss of their property, they are unwilling to risk the expence of a prosecution, which may in the end fail, from the difficulty of proving the crime. And, my Lords, here I cannot but deplore that some efficient legislative measure has not been introduced, to remove this obstacle to the attainment of public justice. It is lamentable, that from a principle of this kind, men should compromise with their public duty, from motives of private consideration. It would be a wise regulation if the expence of these prosecutions was borne by the public. With respect to the instance cited by the noble lord now before me (lord Suffolk) it can scarcely be necessary for me to observe, that I am convinced no other motive than that of humanity could have actuated the breast of the noble lord in forbearing to prosecute his servant. But the noble lord had an alternative, if his love of justice was not sufficient to carry the severest penalties of the law into execution against the offender. As the noble lord did not approve of the punishment of death, he had nothing to do but indict her for stealing in his dwelling house to the value of thirty-nine shillings; which would completely obviate the objectionable part of the punishment, and the benefit of public example would have been obtained in her conviction. When my noble friend (lord Lauderdale) speaks of the comparative value of money at this day, with the value of money in the days of William 3, I perfectly agree in his observations. But he will allow me to state that this Bill does not propose to remedy the objection. If this was a Bill stating, that no person shall be punished with death for stealing privately in a shop to the value of five shillings of the money of William 3, but instead thereof to make it ten shillings of the value of the money of his present Majesty, that would not be a very objectionable proposition; but this is not the object of the Bill. My Lords, it is upon these grounds that I cannot give my consent to this measure.

The Marquis of *Lansdowne*. My Lords, no man is more aware than I am of the difficulty which I should have experienced in answering the objections so forcibly stated by the noble and learned lords, if these objections had been confined to particular facts within their lordship's peculiar observation; but, my Lords, the reasoning has been more extensive: and upon the broad and general merits of this Bill, their lordships have in no degree convinced me that the vote which I shall give on this occasion, will be in opposition to reason and sound argument. My Lords, we must recollect the distinct grounds upon which my noble friend near me proposed this Bill to your lordships. The question, my Lords, is, whether the unaccountable infatuation which has for the last forty years kept the practice of our courts of justice at variance with the laws of the land, is any longer to prevail, in opposition to the good sense and experience of persons of all ranks, and of every profession, who have had any share in the consideration of that system? Whether you will any longer permit a law to remain upon your statute book, which is injurious to public justice, because no man considers the punishment prescribed at all proportioned to the offence? and here I must take the liberty of observing, that the noble lord near me (Suffolk) is a most apt illustration of the impolicy of that law,—whether you will continue a system which renders impracticable in effect the law of the land?—whether you will determine that the law of the land ought to remain without the practice,—whether in fact your lordships will permit laws to exist in your criminal code which are so absurd, so injudicious, so inconsistent with the purposes and ends of justice, that the judges of the land will not allow them to be executed? that, my Lords, is the proposition submitted for your lordships' consideration. I am anxious, therefore, that your lordships should have a clear impression of the design of my noble friend; and that your lordships should treat the subject as one of the greatest importance. The assertion of the noble and learned lord, who just sat down, with regard to the effect of repealing an act in the course of the last session, calls for particular observation. The noble and learned lord states, that the consequence of repealing that act has been to increase the crime it intended to prevent beyond all example. Now, my Lords, let us ask how he came to ascertain this conclusion. Was it by the number of prosecutions in the courts of justice? If it was, my Lords, it is at once a decisive argument, not only in favour of the Bill alluded to, but in favour of the measure now proposed. My Lords, the great object sought by the promoters of that Bill has been accomplished, and all which the promoters of the present Bill ask of your lordships, is that your lordships will concur in a measure which promises similar good consequences. My Lords, it is no proof that the crime is increased because the prosecutions are more frequent; on the contrary, it is a manifest proof that the obstacles which had been heretofore thrown in the way of prosecutions, by the severity of the punishment, are now removed, and hundreds of offenders, who have hitherto escaped with impunity, now meet the reward of their crimes. My Lords, I am persuaded that by passing this Bill you will prevent the baneful effects which have invariably attended the law as it at present exists. It may appear to increase the crime, but in fact it only increases the number of prosecutions. The intention of the law is now defeated by the severity of the punishment, which deters the prosecutor from prosecuting, the witness from giving evidence, the jury from convicting, and the judge from executing the sentence. My Lords, it is to remove those difficulties that the present Bill is now brought forward: we wish to destroy that co-partnership which exists between the judge, the jury, and the prosecutor. But it is said, by the noble and learned lord, that no such consideration as mercy or pity for the guilty deters the prosecutor from coming into a court of justice. That, my Lords, may be in general true of the prosecutor. But, my Lords, you generally find that where mercy is wanting in the prosecutor, it is amply made up by the other members of the community,—by the witness, the jury, or by the judge. Still, my Lords, I am not prepared to say that the prosecutor is oftener influenced by a vindictive feeling, than a feeling of mercy towards the guilty. I am persuaded that the latter oftener prevails over the former, because with the prosecutor the process against the offender almost always originates; and by the number of prosecutions we are enabled to form a tolerably just conclusion on the subject. My Lords, the noble and learned lord who began this debate stated, that he did not mean to impute any intention on the part of the promoters of this Bill to introduce a general system of alteration in the law of the land, and that he was willing to consider this Bill upon its own individual merits. My Lords, my noble friend is highly indebted to the noble and learned lord for that candid avowal; but I have only to lament that the noble and learned lord's arguments, forcibly and eloquently as they were put, were not precisely applicable to the particular merits of this Bill. His comparisons were drawn from cases entirely distinct in their nature, and in no respect analogous to the crime to which this Bill relates. All that the noble and learned lord stated upon the subject of horse-stealing was perfectly correct, and the cases he cited were cases in which conviction and punishment might have occurred, and which were undoubtedly entitled to the extreme severity of the law. But the noble lord has not, nor has any other noble lord, in the course of this debate, stated a single case of a person having suffered the penalty of death for stealing privately in a shop property to the amount of five shillings, which is the only subject to which this Bill now relates. There is no case of conviction before your lordships, which can induce your lordships to believe that any case ever can occur where it might, by possibility, be necessary to put into practice the extreme sentence of this law. Therefore, I hope, my Lords, that you will look to the merits of this Bill itself, unconnected with any foreign consideration. At the same time, however, that I protest against the principle of loading the present question with a long detail of precedents and cases analogous to some of its general principles, I am not insensible to its importance in the actual practice of the law, and in the administration of justice, though I must still adhere to my observation, that I think it is a principle which is not to be applied to all other laws. My Lords, we have heard much of the advantage of vesting in the hands of the judges a discretion to administer the particular degree of punishment, in proportion to the merits of the particular cases. Highly, my Lords, as I respect and admire the character of the enlightened men who hold the distinguished situation of judges in this land, I can never accede to a principle so dangerous, so liable to be abused, and so fraught with temptation. Inconvenient as a law of exceptions might be, it would be preferable to the exercise of a right arbitrary in its nature, and against the abuse of which it is impossible always to guard. My Lords, this discretionary power, exercised by the judges, is no where recognised by the statutes. It is a power which the law never meant to give those who execute the functions of judges. It is an abuse which has crept by degrees into the practice of our courts of justice,—it is a power which must give birth to principles dangerous to, and subversive of the best interests of the constitution. My lords, we cannot be too watchful of such a power in a country where it is the glory of the people that their laws are written and defined,—that none but the legislature collectively can decree a rule by which their lives and liberties are to be governed. My Lords, I can never accede to a proposition which violates the established maxims of the legislature; namely, that the law and the punishment must be consistent with each other. Upon this principle alone I rest my support to the Bill before your lordships, trusting your lordships will not consider it as a measure of general legislation, but as an attempt to render useful a most important law of the land.

Lord *Ellenborough* rose to speak in reply. My Lords, I feel that some apology is due to your lordships for again coming forward to engross more of your valuable time. Perhaps, my Lords, the occasion of this second attempt to obtain your lordships' attention, is to be attributed to the turn this debate took in the first instance. The noble lord who introduced this Bill having applied to me to know whether or not I meant to say any thing in opposition to this measure, and having given him an answer in the affirmative, I thought it became me to state beforehand what the grounds were upon which I considered this as an inadmissible bill; and certainly, my Lords, I should not have risen now to give your lordships any further trouble, but for some misapprehension of my sentiments. My Lords, I think it necessary to state, that I never did cast any imputation, directly or indirectly, upon the motives of those who are the supporters of this Bill, when I intimated something like objection to what appeared to me to be a systematic plan for altering the criminal law of the land. What I meant, my Lords, was this,—after having last year a Bill on our table which has made a most dangerous innovation on the criminal law of the country,—having that followed up by another which is making equally as mischievous a progress,—the same arguments applying to every law, and to every crime which has been applied to this,—I want to know, my Lords, when we are to stop in this course of legislation? My Lords, if we suffer this Bill to pass we shall not know where to stand,—we shall not know whether we are upon our heads or our feet. If you repeal the act which inflicts the penalty of death for stealing to the value of five shillings in a shop, and suffer this Bill to pass into a law, you will be called upon next year, I have little doubt, to repeal the law which prescribes the penalty of death for stealing five-shillings in a dwelling house, there being no person therein. A law, your lordships must know, upon the severity of which, and the application of it, stands the security of every poor cottager who goes out to his daily labours. He, my Lords, can leave no one behind to watch his little dwelling, and preserve it from the attack of lawless plunderers,—confident in the protection of the laws of the land, he cheerfully pursues his daily labours, trusting that on his return home he shall find all his property safe and unmolested. Repeal this law and see the contrast,—no man can trust himself for an hour out of doors without the most alarming apprehensions, that, on his return, every vestige of his property will be swept off by the hardened robber. My Lords, painful as the duty, anxious as the feelings of a judge are, unwilling as he is to inflict the tremendous penalties of the law, there are cases where mercy and humanity to the few, would be injustice and cruelty to the many. There are cases where the law must be applied in all its terrors. My Lords, I think this, above all others, is a law upon which so much of the security of mankind depends, in its execution, that I should deem myself neglectful of my duty to the public if I failed to let it take its course. But, my Lords, the difficulties to which we are subject in the execution of our painful duty can be better conceived than described. Your lordships can ill imagine the tortures of a judge's mind on the evening before he quits an assize town. Dreary is the pillow upon which he rests his head, when he reflects that on the morrow he is to pronounce the dooms of a heavy calendar of convicts. My Lords, I conjure your lordships to pause before you pass a Bill which will have the effect of increasing the number of crimes, and adding to the enormous catalogue of offences, which now disgrace the criminal records of the country. Much, my Lords, are these advocates of mildness mistaken, in thinking that the fear of death does not operate upon the minds of the wicked, and deter them from the commission of crimes. My Lords, depend upon it, it is that fear, and that alone, which keeps some men in obedience to the laws. Would you then, my Lords, take away the only security, the honest and industrious, the rich as well as the poor, have against the outrages of vice, and the licentiousness of dishonesty. My lords, the punishment of transportation has no terrors for such men as these. Believe me, transportation to Botany Bay, is, nine times in ten, looked upon as no more than a summer's excursion, in an easy migration, to a happier and a better climate. Then, my Lords, I implore you as guardians of the public welfare, not to listen to arguments, and still less to act upon principles which promise no practical good to the country. There is a dangerous spirit of innovation abroad upon this subject, but against which I ever have, and always shall be a steady opposer. I seek no praise, I want no popular applause, all I wish is, that the world may esteem me as a man who will not sacrifice one iota of his duty for the sake of public opinion. My Lords, I shall never shrink from the fulfilment of the most arduous task from fear of popular prejudice. I think those legislative experiments, unless curbed within proper bounds, may be productive of the most serious consequences; and therefore, my Lords, it becomes my duty, in the responsible situation in which I am placed, to make a stand in favour of the established laws of the land. A great deal has been said of the severity of the laws, and of the necessity of curbing the discretionary power of the judges. Enough has been already said by my noble and learned friend (the Lord Chancellor) upon the latter subject, not to require that I should take up any more of your lordships' time on that point; and the former question embraces such a large field of discussion, and would involve so much conflict of opinion, that I think it will be most prudent, on this occasion, to avoid its agitation. A noble lord (Lauderdale) has suggested an objection to the law as it now stands, on account of the great difference in the comparative value of money at the period of its enactment and the present time. My noble and learned friend, struck with the force of the objection, expressed his own wish to concede that point, and a disposition to increase the amount of the sum which should constitute the capital part of the offence; at least he admitted that the proposition was not objectionable. My Lords, the propriety of such an alteration as this had not escaped my notice. I suggested the idea to those most eminent for their knowledge upon these subjects, and I desired their opinion as to the prudence of such an amendment. But they told me this, and I believe they told me very truly, that this offence was most frequently, and more conveniently committed by purloining articles of small value (property of a bulky nature being less portable); and indeed, my Lords, from my own constant experience, I know that for one culprit who will take an article of larger value, there are a hundred who content themselves with carrying off articles of such value only as they suppose will save them from the capital part of the law. It was therefore, my Lords, recommended to me to leave the law as it stood, because, by advancing the value of five shillings to a higher amount, the difficulty of escape would be so obvious, that the law could never reach a class of culprits who are more obnoxious to society than perhaps any other description of offenders punishable by the criminal law. Now, my Lords, it is said that the ends of justice will be defeated by the severity of the law acting upon the humanity of the prosecutor. For my own part, I do not think prosecutors are in general very tender of the prisoner's welfare. On the contrary, I have found them, in the course of my own experience, generally very anxious to obtain a conviction of the unfortunate wretch on his trial; and I may with equal safety say, that I have very seldom found any unwillingness on the part of witnesses to give evidence. Indeed I have had occasion much oftener to rebuke them for their over-zeal in the cause of justice, than to admonish them to give their testimony. It is here then, my Lords, that the province of the judge is more peculiarly called for. In addressing the jury he directs them to satisfy themselves that the proof of the crime alledged against the prisoner is made out by the evidence. He puts them on their guard against the vindictive spirit of the prosecutor, and directs them, above all things, to attend to the conduct of the witnesses. Next he calls their attention to the value of the property specified in the indictment, he puts all the favourable circumstances on the prisoner's behalf in the strongest point of view; and lastly, he conjures them to give their verdict according to the evidence, and strictly in conformity to their duty, without favour or partiality. He reminds them that it remains in the power of those who administer the laws to mitigate the severity of punishment, or recommend the offender to the royal mercy. My Lords, when these formalities are gone through, when the judge is satisfied that the guilty are convicted according to the strict rules of evidence; and that he has had the benefit of every advantage prescribed by the law, he takes the opinion of his brother judges, and with their consent only, is the sentence of death finally ratified. It then becomes his duty to represent the case of the unfortunate convict to royal consideration; the interposition of which never fails, when the peculiar circumstances of the case require its mercy. My Lords, the administration of justice, under restrictions and regulations like these, can never fail of answering the great ends of all human laws. It is impossible that any mischievous consequences may arise to society, where the functions of the judge are in conformity to the law, subject however to a wholesome and rational discretion. The nature of human crimes, their shades and characters, the different conduct of the persons committing the same offence, their good moral character previous to the committal of the crime, and a thousand other circumstances which appear in the course of investigation, are considerations for which no legislative enactments can provide a mode of treatment. My Lords, without this discretionary power I am persuaded much injury would be done to public justice; but possessed of this power, it is always in the power of a judge to administer a punishment proportioned to the offence. Occasions may frequently occur where even a much milder punishment may be judiciously inflicted, with benefit to public justice, without an example pernicious to society; and, on the other hand, cases may occur where the severity of the law to its utmost extent may be inflicted without violence to mercy, or overstraining the purposes of justice. My Lords, for these reasons, I think that the law as it now exists, administered as it is by common consent, with impartiality, and a strict regard to the welfare of society, cannot be altered without materially shaking the established principles of criminal jurisprudence in this country, and laying the foundation of future innovations, prejudicial to the best interests of society, and inconsistent with the ends of public justice.

A division then took place, when the numbers stood thus; Contents 31. Non Contents 11. Majority 20 in favour of lord Ellenborough's motion. Of course the Bill was lost.

[For the Debate on sir Samuel Romilly's Motion respecting Transportation and Penitentiary-houses, and the Navigable River Robbery Bill, See vol. xvi. p. 944, and vol. xvii. p. 322 and 531.]

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